DEBATES IN CONGRESS.

St. Louis
1846

PART I. OF VOL. IX.

REGISTER

OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE SECOND SESSION OF THE TWENTY-SECOND CONGRESS:

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St. Louis
1846

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

15345

WITH A COPIOUS INDEX TO THE WHOLE.

Part 1

VOLUME IX.

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1833.

GALES & SEATON'S

Register of Debates in Congress.

TWENTY-SECOND CONGRESS...SECOND SESSION:

FROM DECEMBER 3, 1832, TO MARCH 3, 1833.

DEBATES IN THE SENATE.

LIST OF THE MEMBERS.

NE—John Holmes, Peleg Sprague.
HAMPSHIRE—Samuel Bell, Isaac Hill.
ACHUSETTS—Nathaniel Silsbee, Daniel Webster.
DE ISLAND—Nehemiah R. Knight, Asher Robbins.
NECTICUT—Samuel A. Foot, Gideon Tomlinson.
MONT—Samuel Prentiss, Horatio Seymour.
YORK—Charles E. Dudley, Silas Wright, Jr.
JERSEY—Mahlon Dickerson, Theodore Freling- en.
SYLVANIA—George M. Dallas, William Wilkins.
WARE—John M. Clayton, Arnold Naudain.
LAND—Ezekiel F. Chambers, Samuel Smith.
NIA—John Tyler, William C. Rives.
H CAROLINA—Bedford Brown, Wilie P. Mangum.
H CAROLINA—Stephen D. Miller, John C. oun.
GIA—George M. Troup, John Forsyth.
UCKY—George M. Bibb, Henry Clay.
ESSEE—Hugh L. White, Felix Grundy.
—Thomas Ewing, Benjamin Ruggles.
IANA—Josiah S. Johnston, George A. Waggaman.
NA—William Hendricks, John Tipton.
SIPPI—George Poindexter, John Black.
OIS—Elias K. Kane, John M. Robinson.
AMA—William R. King, Gabriel Moore.
URI—Thomas H. Benton, Alexander Buckner.

MONDAY, DECEMBER 3, 1832.

o'clock, the Senate was called to order by the y, Mr. LOWRIE, (the VICE PRESIDENT being and the President pro tempore, Mr. TAZE- having resigned his seat in the Senate,) and o members appearing in their seats, and there quorum, Mr. SMITH, of Maryland, moved to pro- the election of President pro tempore, which was o.

. POINDEXTER said he understood it was the intention of some of his friends to bestow their suffrages on him for President pro tempore. He desired to state, in advance, that his duties as Senator of the people of Mississippi would require his particular attention on the floor of the Senate. It would, therefore, be extremel venient for him to discharge the duties of the he requested that the kind partiality of h should be waived on this occasion, and that the make choice of some other Senator, as presiding o

The Senate then proceeded to ballot for Presiden tempore as follows:

FIRST BALLOT.

Mr. WHITE, - - -	14
FOOT, - - -	8
TYLER, - - -	3
SMITH, - - -	3
BELL, - - -	2
KING, - - -	2

There being no choice, the Senate proceeded to a second ballot, which resulted as follows:

Mr. WHITE, - - -	15
TYLER, - - -	9
SMITH, - - -	4
FOOT, - - -	3
BELL, - - -	1

There still being no choice, the Senate proceeded ballot the third time, which resulted as follows:

Mr. WHITE, - - -	16
TYLER, - - -	12
SMITH, - - -	3
FOOT, - - -	1

A fourth ballot was then had with the following res

Mr. WHITE, - - -	15
TYLER, - - -	15
SMITH, - - -	2

The Senate proceeded to a fifth ballot, which resulte as follows:

Mr. WHITE, - - -	17
TYLER, - - -	14
SMITH, - - -	1

The Hon. HUGH L. WHITE, of Tennessee, having received a majority of all the votes, was declared duly elected PRESIDENT of the Senate, pro tempore, and being conducted to the chair by Mr. TYLER, of Virginia, returned his acknowledgments to the Senate, as follows:

To the members of the Senate, I tender my sincere acknowledgments for the distinguished honor conferred by their vote:

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"No person, who has been so long a member of this body, could have been selected, who has made the rules of its proceedings less an object of his study. This circumstance will make my errors more numerous than might be anticipated, and will throw me oftener on the kind indulgence of the Senate.

"Whatever my errors may be, I have the consolation of knowing that they can be revised and corrected at the instance of any member; and I beg every one to believe, that so far from feeling hurt at the correctness of my decisions being questioned, it will be matter of gratification, that the sense of the Senate may be taken, in every instance, when it may be supposed I am mistaken.

"Whatever industry and attention can do towards removing defects in qualifications, I promise shall be done; and I shall take the chair, determined that, in anxious desire to do that which is just towards every member, and that which will most promote the correct discharge of the important business we may have to perform, I will not be exceeded by any who have preceded me."

On motion, it was ordered that messages communicating the election of Mr. White as President pro tempore, be sent to the House of Representatives, and to the President of the United States.

Messrs. Grundy and Frelinghuysen were appointed the joint committee, to wait on the President of the ited States, and inform him of the readiness of the two uses to receive from him any communication; and fter the usual resolutions respecting the supply of spapers, &c. the Senate adjourned.

Tuesday, December 4.

ating to-day was occupied in receiving and read- President's Message, [for which see Appendix] ich 5000 copies were ordered to be printed.

Wednesday, December 5.

No business of importance was transacted to-day—the nate remaining in session only a few minutes.

Thursday, December 6.

The President laid before the Senate a communication from the Secretary of the Treasury, containing the Treasury report of the state of the finances, for the year 1832; which was ordered to be printed.

VETOED BILL.

The following message was received from the President the United States:

Washington, December 6, 1832.

the Senate of the United States:

I avail myself of this early opportunity to return to the nate, in which it originated, the bill entitled "An act oviding for the final settlement of the claims of States interest on advances to the United States, made during e last war," with the reasons which induced me to withold my approbation, in consequence of which it has iled to become a law.

This bill was presented to me for my signature on the last day of your session, and when I was compelled to consider a variety of other bills of greater urgency to the public service. It obviously embraced a principle in the allowance of interest different from that which had been sanctioned by the practice of the accounting officers, or by the previous legislation of Congress, in regard to advances by the States, and without any apparent grounds for the change.

Previously to giving my sanction to so great an extension of the practice of allowing interest upon accounts with the Government, and which, in its consequences, and from analogy, might not only call for large payments from the Treasury, but disturb the great mass of individual accounts long since finally settled, I deemed it my duty to make a more thorough investigation of the subject than it was possible for me to do previously to the close of your last session. I adopted this course the more readily, from the consideration that as the bill contained no appropriation, the States which would have been entitled to claim its benefits could not have received them without the fuller legislation of Congress.

The principle which this bill authorizes, varies not only from the practice uniformly adopted by many of the accounting officers in the case of individual accounts and in those of the States finally settled and closed previously to your last session, but also from that pursued under the act of your last session for the adjustment and settlement of the claims of the State of South Carolina. This last act prescribed no particular mode for the allowance of interest, which, therefore, in conformity with the directions of Congress in previous cases, and with the uniform practice of the Auditor by whom the account was settled, was computed on the sums expended by the State of South Carolina for the use and benefit of the United States, and which had been repaid to the State, and the payments made by the United States were deducted from the principal sums, exclusive of the interest; thereby stopping future interest on so much of the principal [illegible] had been reimbursed by the payment.

I deem it proper, moreover, to observe, that both under the act of the 5th of August, 1790, and that of the 12th of February, 1793, authorizing the settlement of the accounts between the United States and the individual States, arising out of the war of the Revolution, the interest on these accounts was computed in conformity with the practice already adverted to, and from which the bill now returned is a departure.

With these reasons and considerations, I return the bill to the Senate.

ANDREW JACKSON.

December 6, 1832.

The Message was laid on the table, and ordered to be printed. Adjourned to Monday.

Monday, December 10.

The PRESIDENT announced to the Senate the appointment of the following standing committees for the session:

On Foreign Relations.—Messrs. Forsyth, King, Bell, Mangum, and Tomlinson.

On Finance—Messrs. Smith, Tyler, Silsbee, Johnston, and Forsyth.

On Commerce—Messrs. King, Dudley, Silsbee, Johnston, and Bibb.

On Manufactures—Messrs. Dickerson, Clay, Knight, Miller, and Seymour.

On Agriculture—Messrs. Seymour, Brown, Robinson, Waggaman, and Foot.

On Military Affairs—Messrs. Benton, Troup, Kane, Clayton, and Tipton.

On the Militia—Messrs. Robinson, Clayton, Waggaman, Clay, and Hendricks.

On Naval Affairs—Messrs. Dallas, Smith, Robbins, Webster, and Bibb.

On Public Lands—Messrs. Kane, Tipton, Moore, Holmes, and Prentiss.

On Private Land Claims—Messrs. Poindexter, Naudain, Prentiss, Ruggles, and Knight.

On Indian Affairs—Messrs. Troup, Benton, Poindexter, Wilkins, and Frelinghuysen.

On Claims—Messrs. Ruggles, Bell, Naudain, Brown, and Moore.

On the Judiciary—Messrs. Wilkins, Webster, Frelinghuysen, Grundy, and Mangum.

On the Post Office and Post Roads—Messrs. Grundy, Hill, Ewing, Tomlinson, and Buckner.

On Roads and Canals—Messrs. Hendricks, Sprague, Dallas, Hill, and Buckner.

On Pensions—Messrs. Foot, Chambers, Dickerson, Sprague, and Poindexter.

On the District of Columbia—Messrs. Chambers, Tyler, Holmes, Clayton, and Miller.

On the Contingent Fund—Messrs. Knight, Dudley, and Tomlinson.

On Engrossed Bills—Messrs. Robbins, Robinson, and Ewing.

After distributing the various subjects of the President's Message to the appropriate committees, and disposing of some minor business, adjourned.

Tuesday, December 11.

PUBLIC LANDS.

Mr. CLAY rose and said, it would be recollected that during the last session a bill had passed the Senate, which originated in the Committee on Manufactures, to appropriate, for a limited time, the proceeds arising from the sales of public lands. At a very late period of the session this bill was sent to the other House; and owing, probably, to that circumstance, and probably to some other causes, the bill had not been definitively acted on by that House. Rather, he would say, there had been no express decision of the House for or against the bill. It was indefinitely postponed. He was desirous of again obtaining the sense of the Senate on this question, and, should it be in accordance with the vote of the last session, to afford the other House the opportunity of a more full examination and discussion of the bill.

He therefore gave notice that he would, to-morrow, ask leave to introduce a bill to appropriate for a limited time the proceeds of the Public Lands.

FRENCH SPOLIATIONS.

Mr. WILKINS, pursuant to notice, asked and obtained leave to introduce a bill to provide for the satisfaction of claims due to certain American citizens for spoliations committed by France on their commerce, prior to the 30th September, 1800.

The bill was then read twice, and on motion of Mr. WILKINS, ordered to be referred to a select committee of five members.

Mr. WILKINS said that previous to the balloting for the committee, he wished to remark that, as it was probable the usual courtesy of the Senate in appointing the mover to be on the committee, might be extended to him in this case, he wished it to be understood that he did not desire to be on the committee. He would rather that, in his room, some gentleman might be appointed who was more conversant with commercial buisiness. He desired, however, that it might be understood that he had in no way changed his original opinions on the subject of these claims.

The **PRESIDENT** replied that he believed it was the duty of the Chair to appoint the committee.

Mr. WILKINS. Then I wish the Chair to consider my remarks as addressed to himself.

Mr. SMITH. I do not think it very proper to appoint commercial gentlemen on this committee. They might be interested in the result.

The conversation here ceased.

[The following members were appointed by the Chair to compose the committee: Messrs. Webster, Chambers, [illegible], Brown, Tyler.]

ELECTION OF CHAPLAIN.

The Senate then proceeded to the election of a Chaplain; and on the fourth balloting the following was the result:

For the Rev. Mr. Pise,	23
Rev. Mr. Russell,	12
Rev. Mr. Hatch,	4

So that the Rev. Mr. Pise was declared to be elected. [He received nineteen votes on the first ballot.]

After the consideration of Executive business, Adjourned.

Wednesday, December 12.

PUBLIC LANDS.

Mr. CLAY, agreeably to notice, asked and obtained leave to introduce a bill to appropriate, for a limited time, the proceeds of the sales of the public lands in the [illegible]ted States and for granting lands to certain States.

The bill having been read twice, and being before the Senate, as in Committee of the whole,

Mr. CLAY said that this bill had been before two committees of the Senate, and that it had been passed at the last session by a considerable majority. He thought, therefore, that there would be no necessity for its reference to any committee at this session. The bill was precisely the same as the one which had passed the Senate last year, with the exception of the necessary change i the time when the bill would take effect. If, however, was the wish of any Senator that the bill should be referr he had no objection. He would prefer to have the made the order for some convenient but not very dis day, when it might be taken up and discussed. If agreeable to the Senate, he would say the fourth Monday i this month, or the first Monday in January. He did not see that it was necessary to send the bill to a committee, but if any gentleman wished that course to be taken, he repeated, he should not object to it.

Mr. KANE said that it would be recollected that subject had recently been referred to the Committee the Public Lands, by the reference to that committe so much of the President's message as relates to the p lands. An important proposition, indeed a new one, had come from the Executive on the subject of the public lands generally. That proposition was now before the committee; and he hoped that the gentleman from Kentucky would consent to a reference of his bill to the same committee. Mr. K. concluded by moving this reference.

The motion was agreed to, and the bill was referred to the Committee on the Public Lands.

INTEREST TO STATES.

Mr. CHAMBERS asked and obtained leave to introduce a bill providing for the final settlements of the claims of States for interest on advances made to the U. States during the late war.

The bill was read, and ordered to a second reading.

After notices for various bills, and receiving sev resolutions, adjourned.

Thursday, December 13.

Mr. SMITH, instructed by the Committee on Finance, offered the following resolution:

Resolved, That the Secretary of the Treasury be directed, with as little delay as may be, to furnish the Senate with the projet of a bill for reducing the duties levied upon imports, in conformity with the suggestions made by him in his annual report.

This resolution lies on the table one day.

COMMERCIAL STATEMENTS.

A joint resolution offered by Mr. SMITH, to provide for [illegible] the annual statements of commerce and navigation, was then taken up.

Mr. SMITH briefly stated the reasons which had induced him to offer this resolution. Referring to the act which directs the Secretary of the Treasury to report these statements anually to Congress in the first, meaning, perhaps, the first Monday of December, or as soon after as possible—he complained that the document did not very frequently find its way to the members until the session had terminated, and they had returned to their homes. He did not get his last statement until the end of October or the beginning of November. He referred to the great but unsuccessful exertions which had been made by the Secretary to obtain the statements, at an earlier period, from the officers who had to prepare the details. The Secretary hoped to send in the next statement, by the 1st of February; and after that time, it would be long before it [illegible] be printed, and presented to the members. The [illegible] of his resolution was to give authority to the Secretary to have the document printed so that it might be printed, sheet by sheet, as the matter was furnished from the Department, and under the supervision of the Treasury. The difficulty arose out of the impossibility of getting the reports of the various officers in proper time. The Secretary complained that he could not get them in time; unless some penalty could be inflicted for neglect and delay, he did not see how the officers could be coerced into greater diligence.

Mr. HOLMES admitted that there was ground for complaint as to the delay in furnishing these annual statements. [illegible] often happened that they were not received until long [illegible]er the termination of the session; perhaps not before [illegible]ay or June, instead of early in January. The report [illegible] to be delivered to the Secretary of the Senate, and afterwards to be printed. The adoption of this resolution would lead to the printing of the statements beforehand, but the evil would not thereby be remedied. The report of the Secretary of the Treasury gives the returns [illegible] to the 30th of September, and he saw no reason why [illegible] report should not be made before the 1st of January. [illegible] said that there was no penal sanction to the law, [illegible] that the officers could delay their returns without incurring any penalty. It is so; but he should suppose that neglect could be prevented; that if the Secretary could not remove an offender, he could report his neglect to the President. He thought the subject should be further considered, and with this view, he moved to lay the resolution on the table.

The motion was agreed to.

On motion of Mr. FORSYTH, the Senate then proceeded to the consideration of executive business.

RE-CONSIDERATION.

When the doors were re-opened, a motion had been made by Mr. POINDEXTER to re-consider the order of the Senate to adjourn, till Monday, for the purpose of giving an opportunity, to-morrow, for the adoption of the resolution offered to-day by Mr. SMITH, from the Committee on Finance.

When Reporters were admitted, Mr. HOLMES had [illegible] opposed the motion.

Mr. POINDEXTER succeeded him in a few remarks in opposition to any call upon the Head of a Department for the projet of a bill. In his opinion, the Senate ought to look to their own committees for draughts of bills, and to the Departments merely for information. He had a strong objection to sending either to the President, or any one of the Departments, for a bill. He would look to the regular committees for the bills, and the committees would look to the Departments for such information as they might require. He could not consider this resolution, therefore, in the light of an ordinary call for information; and whenever it should be taken up, he would record his name in opposition to it. Not that he was ever opposed to call on the Departments for information, but that he regarded the calling for a bill as derogatory to the character of the Senate.

Mr. TYLER regretted that on a mere motion to reconsider the order for adjournment, the merits of the resolution should be brought up for discussion. Notwithstanding what had fallen from the Senator from Mississippi, however, he should still calculate on having his vote in favor of the resolution. He reminded that gentleman that the existing law required of the Secretary of the Treasury to communicate to Congress all the information concerning the finances of the country. In obedience to this law, the Secretary had stated that there might be a reduction in the revenue to the amount of six millions. This was the broad proposition of the Secretary. Was not the Senate justified then in calling upon the Secretary to state in what manner this reduction could be effected? Are we not to call on him to furnish a bill of particulars which we may make the basis of our legislation? The resolution did no more than call on him for such bill of particulars. He considered that the objection of the gentleman from Mississippi would apply with great force to any other of the Departments; but for the reasons he had stated, he did not think it applicable to the Treasury. He expressed his hope that the Senate would reconsider the motion to adjourn.

Mr. MANGUM said a few words against the motion to reconsider, and against the resolution itself. Unlearned as he was in these matters, and untutored in the precise course which had been customary, he was not disposed to call on any body but the regular committees of that body for the draught of a bill. The Secretary, it was true, was required to furnish all information concerning his Department, and he could see no impropriety in his furnishing the Senate with details; but he would prefer that the committees should examine the facts, and if they agreed with the Secretary as to the main points, it was for them to go to him for such details as they might require: as a matter concerning the dignity of the Senate, he should feel himself called on to oppose the course which was now suggested. He would not call on any branch of the Government for the projet of a bill.

The question was then taken on the motion to reconsider; which was decided in the negative—ayes 17, noes 18.

And the Senate adjourned to Monday.

MONDAY, DECEMBER 17.

Mr. POINDEXTER offered the following resolution

Resolved, That the Secretary of the Treasury be directed to report to the Senate, with as little delay as practicable, a detailed statement of the articles of foreign grow or manufacture, on which, in his opinion, the present r of duties ought to be reduced, specifying particularly t amount of reduction on each article separately, so as produce the result of an aggregate reduction of the revenue six millions of dollars, on such manufactures as a classed under the general denomination of protected a cles; and that he also append to such report an enu ration of articles deemed to be "essential to our natio independence in time of war," and which therefore oug in his opinion, to be exempted from the operation of proposed reduction of duties.

On motion of Mr. POINDEXTER, the resolution w ordered to be printed.

COMMERCIAL STATEMENTS.

On motion of Mr. SMITH, the Senate proceeded to consideration of the joint resolution offered by him rel to the printing of the annual statement of commerce navigation.

Mr. HOLMES remarked, that he had no intenti opposing, nor did he intend to propose amending the solution. He would suggest, however, to the [illegible] avoid the supposition that the intention was to take portion of the public printing from the public p and give it to another; whether it would not be better to insert an amendment, providing that the work should be executed by the printer of one of the two Houses of Congress. He presumed this arose from an inadvertence in drawing the resolution, and had made the suggestion, in order to avoid the idea, that might otherwise be formed, that the object of the resolution was to take so much work from the public printer. He regretted that the resolution did not go a little further, (as in its present shape it was not, in his opinion, calculated to reach the object in view,) and do something that would tend to procure for them the documents a little sooner, which would make some provision of law necessary, by which the public printer would be allowed more time to expedite the work. He did not believe, however, that any sanction of a penalty by Congress would be necessary to prevent any remissness on the part of the collectors, as the Secretary of the Treasury undoubtedly had it in his power to report any dereliction of duty to the President, with a view to the removal of the offending officer. This would have the effect to let those officers know that their returns must be made in time to comply with the requisitions of the law.

Mr. FOOT said, that he had an objection to the resolution itself. It was calculated to release the custom house officers from making their returns. Some do not make their returns in time. If the Executive cannot enforce the law on this subject, there ought to be an enforcing act. It is of great importance to have the documents in season. Sir, I am entirely opposed to the resolution in itself.

Mr. SMITH observed, that it was unimportant to him individually, whether the resolution passed or not, because he expected hereafter to have no participation in the subject of it. His sole object was the future convenience of the Senate, and to expedite the public business. His attention had been called to this subject, by the remarks of the Senator from Maine, of the last session, and the acknowledged inconveniences resulting from the late receipt of this important document referred to. Now his [illegible] went to remedy completely the inconveniences complained of; for a part of the returns embraced in this very document, were already received by the Treasury Department, and could now be put to press if the department had the power to print it; and then the remaining parts could be printed as received. The public printer, Mr. S. said, had much to do, and of an important nature, at the very time this document usually came in, (1st January.) It would take much time even to examine the proof sheets, as consisting of nice and great calculations, in figure work; and indeed he did not believe that two proof readers could do it in two weeks. Now all this could be avoided by the adoption of the resolution. It was, as he said before, no object to him; his only object was the convenience of the Senate hereafter.

Mr. FOOT again remarked, that the honorable Senator had said well, that we ought not to legislate for ourselves as individuals. Sir, I do not aim to legislate for myself, but for my country: and this is a duty which I will not yield or abandon while I have a standing on this floor.

Mr. SMITH said, he had not intended to convey the idea that they were legislating for themselves. When he spoke of the convenience of the Senate, it was in reference to the expediting the public business.

Mr. HOLMES said, that he too never had any idea of legislating for himself, though he did not expect to be here again. There are many of us, he said, not legislating for ourselves but for posterity, except, indeed, some bachelors, who could not legislate for their posterity.

Mr. POINDEXTER said, there is no necessity for this measure. It is the custom of the Senate sometimes to print the usual number, and sometimes an extra number. On this point the Secretary of the Treasury is not compe- [illegible] fer, as proposed by the resolution. It would give more power of public patronage to one of the Heads of Departments, which they already possess to a disproportionate amount. The Secretary may give the printing of the documents to any printer he chooses; thereby releasing him from that responsibility to Congress which rests on their own public printers. I move, then, to amend the resolution, by inserting after the word printed, "by the printer of the Senate or House of Representatives."

The question was then, taken, and Mr. P's amendment was carried without a division.

Mr. BIBB said, he could not see the necessity of this resolution. He would read to the Senate the law of Congress providing for the transmission to Congress of these statements at each session. [Mr. B. here read the [illegible] Now, said Mr. B., do we mean to change this law of Congress by the passage of a resolution, and provide [illegible] statements shall be sent ready printed, by the Secretary of the Treasury, to the members at their respective houses, and in his own time, instead of laying them before Congress? When the statements are sent to us, said Mr. B., we have them under our own control, and can dispose of them as we please; but it will be quite otherwise should the resolution pass. He believed that the Secretary of the Treasury had it in his power to send in the statements in time for Congress to print them before its adjournment; and he should like to know who were the persons not performing their respective duties, in time to enable him to do so. [illegible] said Mr. B., I, for one, am covetous of that portion of patronage of the Government possessed by the two Houses of Congress, and am not disposed to deprive them of it, to bestow it on any of the Executive departments.

Mr. SMITH said, the resolution is not opposed to the law. The only difference from the usual practice, proposed by the resolution, is, that the documents shall be submitted to the Senate, not in manuscript, but in print. The whole object of the resolution is to save time. The reports of collections must be made up after the 20th of September. If the documents were placed before the Senate by the 1st of January, their action upon them could not be completed by the 1st of March. The public printers, from their numerous engagements, are not able to print them in time. It is difficult to collate and copy the documents. Two men could not do it in less than two weeks. The Secretary could have them printed as they were made out. The only difference would be, that they would be submitted to the Senate in print, and not in manuscript: not to the individual members of Congress, as the gentleman had intimated, but to the two Houses of Congress. Last session an extra number was printed: they were not delivered to members, but to the Houses. There is no power transferred to the Secretary. He is bound to present the usual number. The resolution cannot intefere with the law. The Secretary is required by the law to submit his report by the first of December, or as soon after as possible. The Senate want to have the documents early, no matter whether in print or manuscript, so that they can act upon them during the present session. He saw great inconvenience in the present system; he only wished for convenience. It is difficult to get the documents from manuscript in less than two weeks [illegible]

Mr. POINDEXTER said, the resolution seemed to involve some difficulties, and he, for one, wished to [illegible] for further consideration. He would, therefore, [illegible] lay it on the table.

The resolution was then laid on the table, without a division.

TARIFF DUTIES.

The Senate then proceeded to take up the orders of the day.

The following resolution, offered by Mr. [illegible] on Thursday, being under consideration:

Resolved, [illegible]

ed, with as little delay as may be, to furnish the Senate with the projet of a bill for reducing the duties levied upon imports, in conformity with the suggestions made by him in his annual report.

Mr. TYLER said that he had been chiefly instrumental in prevailing on the Committee of Finance to adopt the resolution now before the Senate. It had been adopted without opposition, and seemed to meet the entire approbation of all the members, save one. Under these circumstances it had come before the Senate. He intended it for good. He thought a speedy action on the subject of the tariff was indispensably necessary; that it was due to the country, to the condition of the finances, and de[illegible]ded by the fearful crisis into which our affairs had [illegible] unfortunately plunged. A great crisis had arrived, [illegible] finitive action—powerful, well sustained, and effi[illegible]tion—was necessary to save the country. The subject could not be blinked, and he, for one, resting upon the principles on which he had all his life acted, was ready for action. He was not for shedding blood in civil strife, but for prompt legislation, which would heal the wounds of the country. He found himself, however, differing with some of those with whom he commonly acted, and without whose aid the resolution could not be [illegible]ed. Some objected for one cause, and some for [illegible]her. He hoped that those objections would yield to [illegible]r reflection, and that those who agreed in the main, [illegible]ld not differ about unessentials. For the present, he [illegible]ined to press the subject, and moved to lay the reso[illegible]n on the table.

The resolution was accordingly ordered to lie upon the table.

On motion of Mr. SMITH, the Senate then proceeded to the consideration of Executive business. After which,

The Senate adjourned.

TUESDAY, DECEMBER 18.

THE TARIFF.

The resolution offered yesterday by Mr. POINDEXTER being taken up,

Mr. SMITH requested that the resolution might lie over for the present to allow time for examination.

Mr. POINDEXTER said that he had no objection to suffer the resolution to lie over. But as it was necessary, on account of the labor it would impose on the Department, that it should be speedily acted on, he gave notice that he should call the resolution up for consideration on the day after to-morrow.

After forwarding a number of bills, and disposing of sundry minor matters,

The Senate adjourned.

WEDNESDAY, DECEMBER 19.

REVENUE FRAUDS.

[illegible] following resolution, offered yesterday by Mr. [illegible]GUE, was taken up:

[illegible], That the Committee on Finance be instructed [illegible]e into the expediency of making further provi[illegible] the protection of the revenue, by prohibiting [illegible] of the customs from trading in articles not subject [illegible]

[illegible]PRAGUE, in a very few words, stated that he [illegible] induced to offer this resolution in consequence [illegible] which had reached him from sources entitled to [illegible] highest respect, communicating the fact that great [illegible]uds were committed by officers of the customs, carrying on a traffic in articles not subject to duty. Having received this information from quarters entitled to weight, he wished it to be referred to the Committee on Finance, to examine and report whether some legal provision to prevent these frauds might not be expedient.

The resolution was then agreed to.

MISSOURI CANAL.

The bill to grant a quantity of land to the State of Missouri, for the purpose of enabling said State to open a canal in the Big Swamp, between the counties of Cape Girardeau and Scott, to connect the waters of the river St. Francois, and the river Mississippi, was read a second time, and after a brief explanation by Mr. BUCKNER, of the condition of the lands through which the canal was proposed to be made, was reported without amendment.

MR. SPRAGUE put a question to the Senator from Missouri as to the quantity of land which was proposed to be given to the State, and whether the whole of it came under the denomination of a swamp?

Mr. BUCKNER replied that it was intended to give two and a half miles on each side of the canal, and that the swamps extended six miles. There was very little good land which was not inundated, and most of that was settled by public or other grants. These persons were protected by the bill.

On motion of Mr. SPRAGUE, who wished time for further information, the bill was, for the present, laid on the table.

PUNISHMENT OF CRIMES.

The bill supplementary to an Act to provide for the more efficient punishment of certain crimes against the United States, &c. was read a second time.

The bill being in committee, some discussion took place in reference to its various details, in which Messrs. DALLAS, CHAMBERS, EWING, HOLMES, WILKINS, TYLER, MANGUM, and BIBB, participated.

The discussion chiefly related to that clause of the bill which prescribes the punishment of solitary imprisonment, from one year to five years, at the discretion of the Court, for persons convicted of having counterfeit notes in their possession. This discretion was, on one side, deemed too great to be vested in any court, because five years solitary confinement is a punishment equal to death. On the other hand, it was insisted that, in such case as was provided for by the clause, the inception of the offence ought to be punished as severely as its consummation. Some amendments were made in the details of the bill.

The bill, on motion of Mr. BIBB, was laid on the table.

THURSDAY, DECEMBER 20.

FRENCH SPOLIATIONS.

Mr. CHAMBERS, from the Select Committee on French Spoliations, reported a bill similar to one before the Senate at the last session, with a verbal amendment, which was read and ordered to a second reading.

Mr. CHAMBERS took occasion to state, that, as the chairman of the committee was absent, it was not the intention of the committee to call up the bill for consideration until they should have the pleasure of seeing him in his place.

After disposing of a number of petitions, resolutions, and private bills,

Adjourned to Monday.

MONDAY, DECEMBER 24.

REDUCTION OF DUTIES.

After the Senate had disposed of some other morning business,

Mr. POINDEXTER moved that the Senate do now consider the following resolution, which he offered on the 17th instant:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, with as little delay as practicable, a detailed statement of the articles of foreign growth or manufacture, on which, in his opinion, the present rate of duties ought to be reduced, spec[illegible] particularly the amount of reduction on each article separately, so as to produce the result of an aggregate reduction of the revenue of six millions of dollars, on such manufactures as are classed under the general denomination of protected articles; and that he also append to such report an enumeration of articles deemed to be "essential to our national independence in time of war;" and which therefore ought, in his opinion, to be exempted from the operation of the proposed reduction of duties.

Mr. SMITH said, that as the Senate was now thin, he hoped the Senator from Mississippi would suffer his resolution to continue on the table, until after the holidays.

Two of the Committees of the other House, as he was informed, had been for some time past engaged in the preparation of a bill on this subject, and had received the aid of the Secretary of the Treasury in their work, having had repeated conferences with that officer to ascertain his views. He hoped, therefore, that the resolution would be permitted to lie on the table a few days, until the Senate should be fuller than at present.

Mr. POINDEXTER stated that it had been his intention, pursuant to notice which he had given, to call up this resolution for consideration on Thursday last; but it would be recollected that, on that day, the Senate went very early into the consideration of Executive business, and that, in this way, his intentions had been frustrated. If this resolution involved any important principle, he should have no objection to acquiesce in the suggestion of the Senators from Maryland, and to suffer it to lie over for the present. But it was nothing more than a call for information constructed in the ordinary manner, involving no principle, and asking for information, the importance of which at the present moment was obvious to every member of the Senate. If the Senate were to have any of the information called for by his resolution, it ought to be in their possession immediately after the holidays, if possible, in order that they might proceed to action upon it without delay, as this was the short session. He did not apprehend that there could be any opposition to the resolution itself. It would be out of place, while considering it, to go into a discussion of the great principles involved in the tariff question; and the only views which could present themselves would be whether it would be expedient or not to call for the information, whether such course would be at all disrespectful to any branch of the Government; and whether the information required would be useful in aiding the Senate to form just conclusions on the great questions. All other debate would be entirely premature.

He hoped the Senate would now agree to consider the resolution: and if there should be found any thing objectionable, either in the language of the resolution, or in the details of information for which it asked, the Senate could dispose of it in such way as their wisdom should direct. At all events, he trusted that his motion to take up the resolution would prevail.

Mr. KING said that he did not ordinarily object to the nsideration of resolutions calling for information, but could not avoid expressing his hope that this resolu n would not now be considered. The subject itself operly belonged to the House of Representatives, and ommittee of that branch were now ready with a report this subject, which would have been probably made had the House been in session, and would not, presumed, be postponed beyond Wednesday. A re tion very similar to the present had been laid on the le by the Senate but a few days since; and the under ding was, that the subject should not be again taken until the other House had acted upon it. This reso ion appeared to him to differ from that in no essential int, and ought also to lie over, and then the two reso ions could be considered together.

To the latter part of this resolution, however, he would now state that he had a particular objection. It asked [illegible] "an enumeration of articles deemed to be essential to [illegible] national independence in time of war, and which, therefore, ought, in his opinion, to be exempted from the operation of the proposed reduction of duties." He contended that this part of the requisition ought not to go to the Treasury Department, but to be addressed to the Secretary of War, within whose province it would naturally come to answer such interrogatory. He wished that this resolution might lie until the House had come to some action on the subject, and then both the resolutions [illegible] before the Senate could be taken up and disposed of together.

Mr. POINDEXTER again rose to reply. He [illegible] hoped that no Senator would, on the present motion [illegible] consider, have touched the body of the resolution; but [illegible] the Senator from Alabama had done so, in order to [illegible] vent the Senate from agreeing to the consideration [illegible] felt himself bound to say a word or two. The Se[illegible] from Alabama was of opinion that the latter par[illegible] resolution ought to be addressed to the Secretary [illegible] It might be so, but if it was, the course was new [illegible] He would briefly give the reason which had induced [illegible] to give to the inquiry the direction which he had cho[illegible] He then referred to the message of the President, [illegible] which it was suggested that it would be found expedi[illegible] to reduce the duties to the necessary wants of the Go[illegible] ment. The Secretary of the Treasury, following u[illegible] principle, after a variety of views, had echoed th[illegible] timent of the Executive. As to the technical objec[illegible] therefore, which had been taken to the reference [illegible] Treasury Department, he thought it was disposed [illegible] the suggestion made by the Secretary. How [illegible] Senate to decide what articles, "essential to our [illegible] independence in time of war," were deemed by [illegible] cretary as entitled to exemption. If the views of [illegible] bers of the Senate were to be substituted for tho[illegible] Secretary, one gentleman might tell you that [illegible] dered woollens as one of these "essential artic[illegible] cause they enter into the necessary clothing of th[illegible] in time of war. Another gentleman would, with [illegible] truth, and on equally good reasoning, tell you that [illegible] was one of these articles "essential to our national [illegible] pendence in time of war." Now, he wished to k[illegible] what the message and the report of the Secretary mean[illegible] He wished to see the scheme of the Secretary. And [illegible] information could be furnished under the eye of the E[illegible] ecutive, and by any officer he might select.

And why was all this difficulty thrown in the way [illegible] his resolution? One gentleman had said that the other [illegible] House ought to act, in the first instance. Another stated [illegible] that the Senate ought to let the Secretary of the Treasur[illegible] communicate his views *sub rosa*. Now, he wanted to [illegible] what the Secretary meant by his generalities. He wanted [illegible] ed the Secretary to show his hand. He desired to know [illegible] what he meant when he talked of a reduction of six [illegible] lions of duties. The situation of the country at [illegible] ment was very imposing, and demands the early [illegible] Congress. It was necessary that it should be [illegible] whether the existing law is to be abandoned, or whether [illegible] it is to be adhered to. If the decision shall be to adhere [illegible] to the present tariff law, let it be quickly made, that the [illegible] public attention may be fixed. But now, since the is[illegible] suing of a certain paper, the proclamation of the Presi[illegible] dent, all was confusion and uncertainty. The Secretary [illegible] of the Treasury, he presumed, would give the informa[illegible] tion which was required, without hesitation; and the Se[illegible] nate would then be in possession of materials for a just [illegible] decision. To himself it was matter of great surprise [illegible] that when one honorable Senator wanted information on [illegible] a particular subject, another honorable Senator, who may have had greater facilities for obtaining the information, and who, therefore, did not require [illegible] ld rise in his place to start objections to the inquiry. cussion of the subject was now out of place. In order to test the sense of the Senate on his motion, and to see how gentlemen voted, he would ask for the yeas and nays.

A sufficient number rising to sustain the call, the yeas and nays were then ordered.

Mr. SMITH said that it devolved on him to state some of the reasons which had induced him to vote against the consideration of this resolution at the present time. The Senator from Mississippi had said that he wished to draw om the Secretary his scheme as to the reduction of the ties. Now, the Committee on Finance had presented a olution expressly calling for this scheme, in the most in and practical form, that of a bill. The honorable ator had objected to that resolution, because it called bill.

. POINDEXTER explained that he thought bills originate in the legislative branch, and with the ve departments.

SMITH resumed. If that resolution had been al, the Senate would have been furnished with a , embracing every item on which a reduction of duties s contemplated. He then adverted to the distinct character of the message of the Executive, and the reports the Secretaries, and contended that the views in the er, did not, of necessity, control those in the latter. , in reference to articles essential in war, might be ed to the President or to the Secretary of War, but not be properly addressed to any other department. Senator from Mississippi had stated that this resombraced no important principle. Now, he (Mr. ght it touched one of great importance. He re- to that Congress called on General Hamilton for ons. The opinions of that gentleman had, at , great weight on a certain portion of the peo- had great influence on almost all the opposition. lected that Mr. Giles protested against calling on etary for his opinions, and the call was also op- y Mr. Madison, John Nicholas, and others. The taken was, that it was the duty of the Secretary nish only facts when they were required, and that it for Congress to construct opinions out of these facts. e information which was now asked by the resolution uld have no influence on his mind, or on his course, hough it might have its weight with other Senators. e was opposed to calling on any head of department for s opinions. It was only for them to furnish the facts. he resolution involved the principle which had been dis- ssed in 1797. He would not consent now to call on the ecretary for his opinions, any more than he did then, hen he opposed the practice on principle. He was in- isposed to array the opinions of the Secretary against his wn, or those of other Senators. He was, therefore, inst the motion to consider.

HOLMES expressed the difficulty he had to com- precisely what had fallen from the Senator from d concerning opinions. That Senator, it appear- ough he would not call on the Secretary for his opinions, would have no objection to call on him for a bill. Now, what was a bill but opinions.

Mr. SMITH. "Facts."

Mr. HOLMES resumed. A bill was framed in consequence of opinions, and to embody them. And when a distinction was taken between an opinion and a bill, it seemed to him to be a distinction without a difference, unless the bill called for was not to be received as the opinion of the framer. In reporting a bill an opinion was given on the principle on which it was founded, so that, as regarded the requisition for the opinions of the Secretary, the present and the previous resolution were the same thing. If the Senate was to act at all on the resolution, he thought it not material whether it was now, or at another time; but if the information were to be asked from the Department, in the form of a bill, it would car an appearance as if no member of the Senate, or any o else, could draw a bill, in terms of technical accuracy, but a clerk of a Department. He was unwilling to let it go forth to the world that a Senator could not frame a bill and would prefer that the necessary information should be asked for informally.

The question was then taken on the motion to consider the resolution, and decided as follows:

Yeas.—Messrs. Bell, Bibb, Clayton, Dickerson, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Knight, Miller, Moore, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Tipton, Tomlinson—20.

Nays.—Messrs. Benton, Brown, Buckner, Dudley, Grundy, Hill, Kane, King, Mangum, Robinson, Smith, Sprague, Tyler, White, Wilkins—15.

So the Senate agreed to consider the resolution.

The resolution was then again read, and Mr. POINDEXTER modified it, by inserting after the words "six millions of dollars," the words "as expressed in his annual report."

Mr. KING considered the modification which had just been made as rendering the resolution still more objectionable. There was no such expression in the annual report of the Secretary, as was attributed to it by the modification. The resolution referred solely to what were termed "protected articles." Such was not the language of the report of the Secretary. The language of the letter was principally on protected articles, and did not convey the idea of reduction on protected articles exclusively.

He did not understand what the Senator from Mississippi meant by persons having information in their possession, which other gentlemen did not possess; and that the Secretary would give his opinion *sub rosa*. He was certain there was nothing in his language to warrant the impression that any gentleman were in possession of exclusive information. He knew of none. And as to the Secretary of the Treasury, he felt assured that that officer would not shrink from an avowal of his opinions; but that he was ready at any moment to show his hand.

The Committee of Ways and Means of the other House had been laboring, with the aid of the Secretary of the Treasury, to frame a bill, and were now ready to make their report. So also the Committee on Manufactures had been occupied in a similar labor. He thought that the Senate ought to wait for the result of their labors, before they proceeded to act on the subject.

But he had another, and a still stronger objection to the resolution. It was a call on the Treasury Department for information which was not within its province. Why should a call be made on the Treasury Department for an enumeration of munitions of war, small arms, and similar necessary articles, when there was in existence a Department of War? Let the call be made there.

The resolution, he regarded, as not doing justice the Secretary. It imputed to him expressions for whi he was not to be held responsible, and was calculated produce erroneous impressions. And it called on h for information which was not within his reach. The resolution might, with more propriety, be addressed to th President, and he could send it to a proper officer for reply.

When the report of the Secretary of the Treasury wa received last session from the Department, it met with position on every side, and was finally defeated; and was probable that his communication now would meet w a similar fate. He would now make a proposition wh would free the resolution from the objection which he fe to it as it now stood.

Mr. KING then moved to strike out the followi words:

"And that he also append to such report an enume tion of articles deemed to be 'essential to our national independence in time of war,' and which, therefore, ought, in his opinion, to be exempted from the operation of the proposed reduction of duties."

Mr. BROWN then asked for the reading of the resolution which was offered some days since from the Committee on Finance.

The resolution being read,

Mr BROWN then said that he should vote against the resolution of the Senator from Mississippi, even if the amendment of the Senator from Alabama should succeed. He preferred the resolution of the Committee on Finance. He felt assured that the Secretary would not shrink from the responsibility of giving his views. In the report which he had already sent in, he had exhibited candor, frankness, and an admirable system of doctrines, which entitled him to confidence. He could not agree with the Senator from Alabama, that the Senate ought to suspend their action on this subject because the House had not yet acted. At a moment of such deep importance, when the harmony, and, perhaps, the integrity of the Union are in danger, he thought that there should be no delay, but that the Senate ought to act at once.

Mr. POINDEXTER said the Senator from Maryland seemed to object to a call for opinions on this great subject. Did that gentleman recollect that, in the reports of Mr. Hamilton, as to the condition of the finances, he confined himself to statements of facts principally? It was thought, by some members of Congress, that he should be called on to communicate his opinions. The democratic party were opposed to a call for opinions. But now it had become a fashion with the departments to volunteer their opinions. The report of the Secretary of the Treasury contained opinions expressed in general terms, and the Senate had a right to call for specifications.

It would be recollected by the Senate, that this was not a new practice. At the last session, they had called on the Secretary of the Treasury for his opinions as to the reduction of duties. The call was made, as it appeared on the Journal now before him. The call might with as much propriety be made now, and he had no doubt that the Secretary would be as ready as he was before to give his opinions on the subject.

The Senator from Alabama had raised an objection to the latter part of the resolution, because the Secretary of the Treasury had not carried out the views of the President on this point, but had confined himself to the protected articles. He would read what the Secretary had said on the subject, because if he had not touched this point, it might be improper for the Senate to meddle with it.

[Here Mr. Poindexter read a paragraph from the report which adverted to the propriety of giving especial protection to articles which were necessary to the preservation of our national independence.]

Thus it appeared that the Secretary proposed to exempt articles which were "essential to the national independence in time of war," showing that there existed a strict coincidence of opinion on the subject, between the President and Secretary. It was said that the Secretary, in the construction of his annual report, acted independently of the views of the President. He did not so understand it. He had always supposed that the Cabinet acted in subservience to the President, more especially in the suggestion of any new views. Would it not appear strange if one of the Secretaries should assume the right to declare war? Had not the President a right to control their opinions? Could he not remove them when he found that they were no longer disposed to act under his control?

As to articles which are necessary in time of war, the President had declared that they ought to be exempted, and the Secretary of the Treasury follows out the idea. He desired to act in conformity with the views of the President and the Secretary on this point. But he must first ascertain what these articles were. If the Secretary were to furnish the specifications called for by his resolution, would not the Senate act more understandingly and harmoniously? Certainly they would. But any discussion which might be gone into, to determine these articles, would be something like the consultation of the citizens of the besieged town in the fable; one declared his preference for iron, as the best material for fortification; a second insisted on the superiority of wood; while a third declared that there was nothing like leather. So it would be found, that among the Senators there would be found as great a diversity of opinions. He knew that the President and the Secretary would not shrink from the avowal of their opinions. He stood forward the advocate of their opinions; and he found himself placed in a singular position, inasmuch as he was opposed by those who were the friends of the administration.

The present crisis was one which demanded action. The people wished to know what course Congress were about to pursue; and he hoped they should proceed to act without delay, so that this now distracted country might once more repose in peace and serenity.

Mr. SMITH said two or three words in explanation of what he had said concerning the distinctness between the opinions of the President and those of his Secretaries; and added, that the Secretary had confined himself to a general expression, and that the details which were now demanded did not lie within his reach.

Mr. SPRAGUE stated that this was not, in his opinion, a resolution calling for information as to facts. It was only calling for opinions in a more specific form than that in which they had heretofore been given. He was opposed to this practice. He thought that the Departments had already influence enough, and he would not magnify that influence still further by calling on them for their opinions. The facts were already before the Senate. The fact that the revenue was now greater than the wants of the country demanded, was before the Senate. They also knew the amount of the duties on protected articles, and they knew what the articles were on which duties were collected. The amount of the revenue and expenditures, the amount of the duties which accrued, and the names of the articles, were all before the Senate. And what more was required? They propose to ask the Secretary of the Treasury his opinion on what articles reductions should be made? He would not consent to do this. He thought the Senate were competent to do it for themselves. It might be true that he would be willing, in this instance, to draw out the Secretary on the subject of the reductions which he had in view; but he was against the general practice, and not for it. If the Secretary had volunteered certain opinions, he (Mr. S.) was not disposed to ask him for more. He objected to this resolution for substantially the same reasons which had induced him to oppose the resolution calling on the Secretary for a bill. But he was, in fact, more opposed to that resolution than to the present, because it called for the opinions of the Secretary in a still more emphatic manner. It had been predicted that the Senate would become merely the recorder of the decrees of the Executive, but he had never yet heard the suggestion that laws were to be prepared at the department, and merely sent to the Senate for passage. It had been said that the plan was a convenient one. He knew it was convenient, and it might be still more convenient to have the laws prepared by one man. But he thought it would be much better to submit to the inconvenience of the established practice, than by concentrating all business in one, to concentrate all influence there also, and thus to prepare the way for the introduction of still greater evils. The two Houses of Congress had already less, and the Executive Department more influence than they ought to have.

Mr. FRELINGHUYSEN rose, and expressed his regret that he should be obliged, in this instance, to differ with his friend from Maine. The reports of the Secretary of the Treasury to the two Houses were made in obedience to a special act of Congress, and not at the requisition of the President. It was an official document, called for by both Houses of Congress, to have all the influence which its character would enable it to exercise. The call was therefore addressed to the Secretary, not to the President, because the President could exercise no control over the matter. He would call on the Secretary for this reason. The Secretary had stated that by a tariff policy, based on proper principles, a reduction of six millions might be made, without prejudice to the claims of existing establishments. Here, then, was a very important fact. It was desirable to know what the Secretary means by "a tariff policy based on proper principles." One object of the resolution of the Senator from Mississippi was to fix these generalities. An Executive officer had told the Senate of a tariff based on proper principles? In another part of his report, the Secretary explains his meaning, to counteract foreign legislation, to protect our own industry, to cherish those branches within ourselves which supply the means of preserving our national independence.

The resolution proposed to ask the Secretary what was his view of the extent of these general terms, which did not depend on their grammatical construction, but on the manner in which the mind of the Secretary was brought to bear on the subject. If the question as to the most important article to be protected were to be put to his colleague, he would unquestionably reply, iron; and a majority of the Senate, perhaps, would say woollens. It had gone through the country, that a reduction could be made of six millions. It was necessary to know how this could be effected. And to obtain this knowledge, they must send to the department whence the suggestion had been communicated. Their constituents must know what was meant. It was a plain, practical, common sense inquiry, what was intended by means of national defence? Did the phrase refer to arms and munitions, to powder, cannon balls, and the like? It was proper that they should have a definite and practical answer. Thus viewing the subject, he must give his vote in favor of the resolution, and against the amendment of the Senator from Alabama.

Mr. HOLMES acquiesced in the correctness of the views which had been taken by the gentleman from New Jersey as to the relative duties of the President and the Secretary; and to revive the fading recollections of the provisions of the act of 1789, which created the Treasury Department, he read so much of it as prescribed the duties of the Secretary. He then adverted to the facility with which the present Secretary suited his opinions to the tone of the Congress to whom they were addressed. His views appeared to be in a constant state of mutation, and he was very well disposed to fix him on this point, and to discover what he really did mean. In the opinions of some, iron and lead would be deemed articles of the highest importance for defence. But the fable of the gentleman from Mississippi did not strictly apply here, where there were no fortified towns, to render iron, wood, and leather the most essential articles. Other commodities here superseded those. The soldier, in these times, must have his blanket to clothe and protect him. Consequently flannel was an article of great necessity. The soldier, it was true, must fire his musket, but if he were to perish of cold for want of a blanket, he could no longer fire it. So also, on the same principle, it might become necessary to impose a protecting duty on flour, and beef, and pork, because the soldier must eat; and on cotton, because he must have shirts to wear. Thus you might protect every thing, or nothing. The Secretary is now required to tell precisely what are his views, and when the Senate had got at his meaning, they could then judge for themselves. Acting under the provisions of the act of 1789, they called on the Secretary to give, in a satisfactory manner, those views which he had now given unsatisfactorily. It was desired to know if he was in favor of no tariff, or of a tariff, and if a tariff, if of a tariff up to the hub. One section of the country had claimed this administration as anti-tariff, while another had regarded them as advocates of a tariff. It was wished to have this problem solved, to have this question settled. The President might have on this subject different views from the Secretary. Under this resolution, the Secretary would be bound to give his opinion as to the points in which he differed from the President. The Senate would then determine which they thought right, and which wrong, or whether either of them was right. Amidst all the conflict of opinions, it was the proper course for the Senate to go right on, and to do their duty.

Mr. BROWN said it was his wish to gratify the gentleman from Maine, and to obtain such information as would expound to him what a judicious tariff was. But he was attracted by a higher motive than this. He wished the Senate to act on this subject at once. It was important that there should be instant action. He agreed generally with the other Senator from Maine, as to the inexpediency of calling for opinions, as a general rule. But he did not feel disposed to apply the principle in this case. The gentleman had said that he would not give the department too great influence. The opinions of the Treasury Department last session were not so fortunate as to receive the registration of the Senate. This was proof that they did not carry with them so much influence as that gentleman had supposed. The officer only acted under the direction of the Senate in communicating his views. He hoped that all false notions of etiquette would be discarded. He wished that the country should meet the crisis, and the sooner the better. Believing the Secretary to be most conversant with the subject, from his habits and his opportunities, he would prefer at once to apply to him for a bill. The Senate could then accept or reject at their pleasure. He had the same object in view with the gentleman, but thinking the resolution of the Committee on Finance the most specific, he would now move to insert that as a substitute for the present.

He then moved to strike out all of the resolution after the word "Resolved," and to insert as follows:

"That the Secretary of the Treasury be directed, with as little delay as may be, to furnish the Senate with a project of a bill for reducing the duties levied upon imports, in conformity with the suggestions made by him in his annual report."

Mr. TYLER said that he was pleased to find that gentlemen who were known to be the advocates of the tariff were in favor of this call upon the Secretary. He thought it furnished somewhat a favorable augury, that the Senator from New Jersey, (Mr. DICKERSON,) standing at the head of the Committee of Manufactures, should be found voting for a call on the Secretary of the Treasury for information in relation to a subject on which that honorable Senator had bestowed so much labor and attention. He could not but hail it as an evidence of a disposition on the part of that Senator to make a proper abatement of the taxes, and to contribute something towards restoring public harmony. What other motive could influence gentlemen in making the call, he could not imagine. Mr. T. said he had voted against taking up the resolution of the Senator from Mississippi to-day, for reasons which must be obvious to all. The vacant seats which presented themselves in every direction, seemed to oppose an action at this time; but as the Senator form North Carolina, (Mr. Brown) had moved the resolution from the Finance Committee in substitution of that moved by Mr. Poindexter; he proposed to say but a word or two in its favor. He preferred it to the proposition of the Senator from Mississippi; because that proposition might give rise to a disorganization on the protective system, when he (Mr. T.) wanted a substantive tangible response. The country had had long dissertations on political economy, volumes in the form of reports had been written on the subject. He was sick of them, and he believed the country nauseated at them. We want, said Mr. T., no more homilies, but a practical measure on which every man in the country may lay his hand as something tangible and certain. He wanted to introduce no British custom, but he wanted a bill with the stamp of the treasury, and why not have it? Should we now stand on mere forms, when the country is menaced with civil war, and a threat is made to collect the taxes at the point of the bayonet? When he was called on for military force, he should be disposed to inquire whether every other means had been exhausted, before resort was had to the sword. Let us, then, call upon the Treasury for its project, and let us not alarm ourselves at the idea that we are to become serviles and minions to the Executive, because we call upon it for aid in the present important crisis. He, however, begged gentlemen to believe that he was not trembling with fear and apprehension of danger. He should but poorly represent his State, which in the present crisis was as unterrified as at any precedent period of her history, if he could give council to fear. He honestly loved the Union, however, and he deemed it right that every conceivable effort should be made to save it. He believed it better to vote for the resolution from the Committee of Finance, because it was plain and direct in its object, and he accordingly should do so.

Mr. **MANGUM** said, that he preferred the amendment proposed by his honorable friend and colleague, [Mr. Brown,] to the original resolution: that he should vote to insert it, but upon the final vote of adoption he should go against the whole measure in every form. He had occasion, a few days ago, to intimate his opinion upon the resolution proposed to be substituted, when it was first reported by the Committee on Finance, and then regretted his inability to take as favorable a view of its principles and policy, as did many of those gentlemen with whom he usually acted, and for whose judgment, upon most occasions, he entertained a profound respect. Time and reflection had served but to mature his first and hasty impressions into settled conviction; and he had been gratified to perceive, that reflection had led many of his friends to distrust their first impressions, and to vote to lay the resolution on the table. There, he supposed, it would have slept, had it not been deemed less objectionable than the resolution of the Senator from Mississippi, [Mr. Poindexter,] and was revived simply as a substitute.

Sir, said Mr. M., why shall we longer palter with this subject? Is this a time for whimsical, capricious, and ingenious evolutions in parliamentary tactics? Is this a time for the ability and patriotism of the United States' Senate to be exhausted in embarrassing moves, or to be attenuated in parliamentary manœuvres? Is the game to be resumed which was played through the last eight months' session, upon the great political chess-board? Were its results so profitable to the country, or so honorable to the national councils? Sir, it is time to have done with this. Is not the grave, the indignant rebuke of the American people still sounding in our ears? Shall we sit here to be amused by witty gentlemen, to taunt a Secretary, or to embarrass each other? Sir, the period for lengthened debate has passed. The Senator from Virginia has well said, we want no homilies on political economy. We have enough of them. It is action—action, we want. Action must be had; to stand still is ruin to ourselves, ruin to our country, and destructive to the brightest and best hopes of the world. The republic is in danger. It is upon the verge of a precipice. The republic must be saved, liberty must be preserved. The Union must be saved. We all have an equal interest in the perpetuity of liberty, in the preservation of the republic. The humble tenant of the humblest log cabin feels the inspirations of liberty and rises into dignity with a consciousness of its possession, as well as he who is clothed in purple and fares sumptuously every day. He feels that this is his country, the freest country under the sun, and that every part of it is his country. This bright and glorious image in his mind must not be marred or broken into fragments; it must be saved; its integrity must be preserved. It is the great solace and pride of his life, as it is the richest, perhaps the only heritage of his children. Sir, it is time to act, to act ourselves. The initiatory process can soon be consummated through the ordinary organs of this body. The committee will do its duty and do it quickly. The great work will remain for ourselves. Let us come to it in a spirit of kindness and conciliation, with a determination to save the republic. It is a great work; we must bring our minds and our hearts up to the great occasion. It is for ourselves, for our children, for posterity. Do our duty and the country will be saved; the arm of the oppressed, the world over, will be nerved; and every heart that throbs for liberty will derive solace and consolation from the noble example. But is it true that we are not equal to the occasion? Is it true that the severe party discipline of the last long session has confirmed in us habits of inaptitude for any other than petty and insignificant party struggles? That we are incapable of lifting all our thoughts, and bringing all our affections to the rescue of our country? Must there be a new shuffle, cut, and deal? Must our old habits, old passions, and our old sentiments, be thrown into the great alembic of the ballot box, and our patriotism be purified, exalted, and quickened, by being passed through the crucible of a new election?

Sir, said Mr. M., the country, the whole country, will be saved—not at the edge of the sword, or the point of the bayonet; that idea is revolting to our people and alien to the genius of our institutions. It cannot be saved by force. The present generation will brand with infamy, and all posterity will execrate him who first sheds a brother's blood in civil strife. A Government based upon the stable foundations of opinion, and the affections of the people, can be saved only by the public opinion and the affections of the people; and the hot burning curses of an outraged and indignant people will pursue and consume him who, in civil strife, shall shed the blood of any of our people, whether upon Sagadahoc or the Balize, upon any other plea than that of inevitable necessity. But the country will be saved. It may not be by the politicians: in them I have but little confidence. It will be saved by the people. I repeat, emphatically, the people, who, in every portion of this great and once happy confederacy are signally distinguished over all other people for moderation, justice, a love of liberty, and love of country. They will awaken to the oppressions which, by party and unprincipled combinations, have been practised upon their brethren of the South. They will rise in their strength in the most distant parts of the confederacy to advocate and defend their brother's cause. They will hurl the oppressor from his bad eminence, and scare the vulture from his prey. Liberty is our common inheritance, and they will guaranty it to every portion of our great political brotherhood. The people's interest every where is best and most permanently secured by equal laws, and a just administration of the Government. They know it, and ultimately they will have it. In the [illegible] on the extreme verge of the republic, we have friends and allies, firm friends and allies, who are more terrible to the rapacious monopolist than an army with banners. Our people are too just, too generous, and too magnanimous, to suffer oppression to be long practised upon any portion of their brethren, when their attention shall be awakened to its existence.

Sir, said Mr. M., I am opposed, upon principle, to a call upon the Executive, or any head of a department, for a bill embracing such momentous interests. Its tendency would be to an amalgamation of the different departments of the Government, which should always be kept separate and as distinct as practicable. Congress is emphatically the legislative branch of the Government. Upon us the constitution devolves the responsibility, and upon us should fall the labor. If the Secretary of the Treasury can aid our committees, his services, I am sure, will be at their command when requested: they have been heretofore, they will be again, if desired. That officer, said Mr. M., is prepared, with a candor and decision as honorable to himself as he trusted they would be useful to the country, to come up to the great occasion, and to meet any responsibility. But not upon him was he willing to call in the form proposed for a bill. That course, though harmless now, may be drawn into precedent in bad times, and tend to throw upon a popular idol responsibility that ought always to rest upon the representatives of the States and the people. Sir, said Mr. M., I have always admired the noble sentiment thrown out in his place here, by that "beau idéal," of an able and dignified Senator who lately represented with so much honor to himself and usefulness to his country, the ancient and "unterrified" commonwealth of Virginia, [Mr. TAZEWELL,] to wit, that the introducing into this chamber the opinions of the Executive to influence our deliberations, or as a "makeweight" upon any question under consideration, ought to be regarded as a breach of order. The sentiment was uttered in bad times, but it is just at all times. Much stronger would an objection lie to conferring upon the Executive the initiatory process of our peculiar legislative duties. Mr. M. said he objected to the resolution because it contained a call, not for facts, but for opinions. Sir, said he, I object to a call for the opinion of this or any other administration; and in reference to this, judging from a late proclamation which had produced so much sensation, and which had found almost universal acceptation among the bitterest revilers of the President, he was constrained to say he liked their practice much better than their speculations; their works better than their faith. But let that pass.

The Senator from Mississippi, said Mr. M., complains that those who set themselves up to be the exclusive friends of the administration, and who, in consideration thereof, enjoy exclusive privileges in reference to personal intercourse, oppose his resolution. For myself, said Mr. M., I set up for no exclusive loyalty, nor am I conscious of enjoying, in that respect, any exclusive privileges. It is as much as I can do at this perilous crisis—a crisis of universal alarm, and one signally marked with the most flagrant dereliction of principle, to walk forward and steadily upon my own principles—principles which I believe to be conservative of liberty, of the Union, and of harmony and brotherly love throughout our extended and once happy borders. At this perilous crisis I know no man, and will support no man, further than I may believe he may be instrumental in saving the republic, and preserving the liberties of the people. I go for my country, my whole country, and, first of all, for the liberties of the people. In pursuing this course faithfully, I feel the gratifying assurance that I represent truly, as it is my object to do, a State as devoted to union and the great principles of constitutional liberty as any other under the sun. Mr. M. said he opposed the Senator's resolutions upon principle and policy, as he had, in like manner, opposed the resolution now offered as an amendment, some days ago, when brought forward under the auspices of the Finance Committee. But how is it, said Mr. M., that the opposition benches all rally to the support of the resolution? How is it that they evince so much anxiety to learn the details of the Secretary's plan? Wherefore do they call so loudly and earnestly for the light that the Secretary may shed upon the subject? Do they mean to profit by it? Have they any respect for the Secretary's opinions? Do they mean to be guided by the lamp he may carry into the mazes of political science? Have they not denounced, in all the moods and tenses, his annual report? Have they the slightest inclination to lend a willing ear to his counsels, and a cordial support to his plan? Wherefore, then, do they manifest so much anxiety? Do they suppose we are children? Do we not know that b-l-a spells bla? All understand the object. The Secretary's plan is to be embodied; it is then to be averred that it is in total disregard of the prosperity of various branches of industry; an appeal is to be made from his remorseless sacrifice of their interests to the Legislature. The tocsin is to be sounded; old prejudices awakened; old passions to be aroused; a gathering of all the clans, whether from North, South, East, or West—of personal enemies, of political enemies, and all sorts of enemies, with all sorts of passions, to assail the man, and demolish his system. Sir, it would be the first target in the world; it would be assailed by malignity with all sorts of missiles. I saw this game last year. Pardon me, gentlemen, I shall not play at it.

Yet, said Mr. M., it is very strange that our bitterest enemies should be so anxious to take counsel from this administration. The events of the last few months have produced strange changes in this world of ours. Is not a Presidential election, sir, especially if the majority be large, a sort of *panacea* for chronic political distempers? When the United States' Bank was under consideration last session, the opposite benches averred that it was the right arm, and only efficient arm of the Treasury Department. And, although in the whole of our former history, when that question came up, it was under the auspices or with the advice of the Treasury Department, yet on that occasion they repudiated all such advice. When my honorable friend (Mr. BENTON) moved the reference of the bank bill to the Secretary of the Treasury for his report in regard to its adaptation to the purposes of that Department, what was the vote of the opposite benches? They must well remember, and if they feel any pleasure in the reminiscence when placed in juxtaposition with their present course, they ought to enjoy it. I trust I shall be among the last who would seek to deprive them of an enjoyment so exceedingly peculiar. They will pardon me, I trust, for remembering with pleasure that I then declined, as I now repudiate, any foreign aid in our proper duties. Sir, said Mr. M., it is time to have done with this game upon the great political chessboard. One would think gentlemen would not pursue so bad a run of luck. I trust they will not. But, whatever may come of these embarrassing moves, I have one firm reliance—the people will set these thing to rights. It is upon their moderation, their justice and their patriotism, that all my hopes repose.

Mr. TYLER said, that the Senator from North Carolina [Mr. MANGUM] had represented certain members of the House as being influenced, in their advocacy of the resolution now under consideration, by a desire to hold up a target to be shot at from Maine to Georgia, and that the bill which was called for was designed as that target. Surely, said Mr. T., the Senator could not have designed to embrace me in that remark. [Mr. MANGUM said certainly not, he had no such intention.] Mr. T. said that he did not believe that the gentleman, with whom he had always maintained the most friendly relation, had so designed; but the generality of the expressions which had been used, and which would not be as well understood elsewhere as here, had required the express disclaimer which the Senator had made. He could not permit an imputation to exist against him even by remote inference. He was actuated but by a single motive—a desire to tranquillize the country by a movement on the tariff. He could not concur with the Senator in the objections he had thought proper to urge against the resolution. He saw an obvious propriety in adopting it, and so thought the Committee of Finance who reported it; and why not avail ourselves of the aid of the Executive Department in adjusting existing difficulties? Why not bring the whole power of the President to bear upon this vitally important subject, as well here as with the people. The Senator waived all the advantages of our position; what were they? Heretofore the South had been left alone to its own exertions to get rid of the tariff: we had here but our fifteen or eighteen votes. The administration was represented, as best suited the purposes of the respective disputants on this side and on the other. Gentlemen were evermore guessing at what was meant by a judicious tariff. The explanation was now given; and a judicious tariff was now understood to mean nothing more or less than a tariff for revenue. The President and Secretary recommend a reduction on the protected articles to the extent of $6,000,000. Is not too much asked of us when we are required to waive the advantage of this new condition of affairs, by listening to the suggestions of what he believed to be a false delicacy? He claimed all the benefits and advantages of this situation of things; and he had a right to require all the aid that the Executive could afford to carry out its own suggestion. The country expected every man to do his duty; and he was satisfied that the Secretary of the Treasury would promptly answer a call of the Senate. Shall we, then, be deterred by a mere dispute about forms, now that we stood upon a dangerous precipice; he hoped not.

Mr. BROWN stated that he would be the last to do any thing which would violate the constitution, or would imply a bending to the departments. But he had been wholly unable to see what danger there was of increasing the power of the departments. He was unable to understand the drift of the conflicting arguments he had heard on this subject, when it was contended by one that the power of the departments had been weakened, and by another, that it had been made stronger, and that they were giving them too much power. He asked if this was a new case. Was ite the first time that the Secretary had been called on to communicate a bill? Precedents to sustain the practice might be found in the darkest days, and to show that this course had been sanctioned by the most illustrious names of the republican party of our country. He admitted that it ought not to be an act of every day practice, but when it had been universally admitted that the country was on the edge of a precipice; when it was admitted that the exigencies of the moment were such as to render prompt action necessary, it appeared to him that these little matters of etiquette ought not to have any influence on the Senate.

It had been very properly remarked, that the dreadful condition of the country required instant action. The people had re-elected the Chief Magistrate to the station he now holds by a commanding and overwhelming voice, and this circumstance furnished a reason why this administration should be called on to communicate their views at this great crisis. He believed that their requisitions would not be shrunk from, but that the President and his Cabinet were prepared to meet the great crisis. He believed that they would find no qualms, no disposition to shrink from their duty. If they exhibited any such feeling, he would say they were quite unfit for their high and responsible stations. He could not think that the adoption of this course would compromit the dignity of the Senate, or interfere with their right. The Secretary of the Treasury was the mere agent of this body. It was in no spirit of dictation that the information asked for would be given. The *projet* of the Secretary would challenge just so much admiration as its merits may deserve. In the settlement and adjustment of this great question, he cared not what set of men was employed, or from what department the materials were obtained. His object in urging this matter was for what he considered beneficial purposes. He cared not from what department of the Government aid was invoked. If it could be beneficially exerted at this moment, it ought to be done, for there never was a period when the beneficial action of the Government was more imperatively required.

With these considerations, he had ventured to submit this proposition of the Committee on Finance in lieu of the resolution of the gentleman from Mississippi. He understood that the resolution had come into this body with the almost unanimous concurrence of the Committee, who were well aware that the Secretary had all the materials before him for the formation of a *projet* of a bill.

Mr. BIBB said that although he had voted in favor of the consideration of the resolution, he should vote both against the amendment and the resolution. It was his intention to give his vote against both the resolutions. The present was truly deemed an awful emergency. The political atmosphere was black with portentous clouds, which threatened to break in civil war. He wanted to meet the emergency with legislation, as speedily and as efficiently as possible, and not, by pouring oil, to add vigor to the flame which already raged. If the bill or *projet* which was called for from the Secretary would have the effect of uniting the votes of that body, or even would bring about the reduction which was proposed, without losing a vote, he would then vote for it, were it not for yet another reason. He was most anxious to avoid a contest at home, which would array brother against brother, but he would not, in times of such difficulty and danger, consent to establish a precedent which might be productive of future evil. Civil war was undoubtedly one of the greatest of evils, and was to be deprecated by every lover of his country; but there was a still greater evil to be feared in the loss of civil liberty by the concentration of all power in the Executive. What was it which the Senate were asked to do? They are asked to send to the Executive Departments for a bill. This was adopting the British principle in effect. It was the practice in England to send the minister to Parliament with *projets*; but, instead of doing this, it is now proposed to send to the minister for a *projet*. This practice he deprecated, and against it he would enter his solemn protest. Not that he disagreed with the views. He wanted the information asked for, or something like it. But he was willing to take things as they were. If he could command the affections of men, and was gifted with sufficient powers of persuasion, there should then be no differences of opinion here or in the other House. But let the Senate ask for this *projet*, and let it be stamped with the hand of the Secretary or the President, and they will at once enlist all the old feelings and prejudices, at a moment when an awful catastrophe seemed to be about to break upon the country.

He had now explained his views. Whether he accorded with others or not, he knew not; but he felt that he had performed his duty. In doing this, he had indulged none but the best feelings towards the Secretary. He believed that this officer had faithfully discharged his duty; and was as willing as any Secretary ever had been to give his views up to discussion. For the possession of manly candor and integrity, he was willing to give him all credit. But it was not necessary to call for his opinion on this subject, because the facts were already before the Senate, and because a bill reported by the Finance Committee, which was a portion of their own body, and was equally bound to their constituents as to the Senate, would be better calculated to unite the opinions of the Senate than any thing which could be obtained from the Treasury Department. He should, therefore, vote against both propositions.

Mr. BUCKNER then stated that as the debate seemed to be far from a close, and as he wished to make a motion relative to the adjournment of the Senate, he would move to lay the resolution and amendment on the table.

Having withdrawn the motion,

Mr. POINDEXTER expressed his hope that the Senate would not consent to lay the subject on the table; but that they would take the vote at once, without further debate, as it was important that, if sent at all, the requisition should be addressed to the Secretary immediately.

Mr. BUCKNER replied that he was not, himself, prepared to vote upon the subject. He required more time for reflection before he should feel his mind at freedom. He then moved to lay the resolution and amendment on the table.

The motion was agreed to.—Yeas 16, nays 11.

The Senate then adjourned to Thursday.

THURSDAY, DEC. 27.

The sitting this day was spent in disposing of petitions, resolutions, and sundry private bills.

FRIDAY, DEC. 28.

The Senate was occupied to-day altogether on private bills and other matters, eliciting no debate; and then adjourned to Monday.

MONDAY, DEC. 31.

REDUCTION OF POSTAGE.

The following resolution, offered by **Mr. SPRAGUE** on Friday, was taken up for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to prepare and introduce a bill reducing the rates of postage.

Mr. GRUNDY rose and stated that on the face of the resolution, it appeared to be not a mere resolution of inquiry, but one peremptorily directing the committee to bring in a bill to reduce the rates of postage. If the Senator from Maine would consent to modify the resolution, so as to give it the usual form of an inquiry into the expediency of the measure, he would consent to its adoption; and should a reduction of the postage be found practicable, and could be consistently effected without breaking in upon the Treasury Department, he would co-operate with the Senator from Maine in effecting his object. But he could not consent to such reduction, unless the principle should first be settled by the Senate. He thought it would be injudicious and indiscreet to reduce the rates of postage, without a proper inquiry into the expediency of the measure. No reduction of any importance could be made consistently with the financial situation of the department. He would vote for a simple inquiry, but not for a peremptory instruction, unless the Senate should first sanction the principle. He was against breaking down the department; and provoking, perhaps, future charges of mal-administration when the Senate had committed the fault of abridging the means of the department. If the Senate should wish to make the Post Office a charge on the treasury, so let it be; but let it be done openly, and let an annual appropriation of half a million be made for that object. He moved to amend the resolution, by striking out all after the word "instructed," and inserting the words "to inquire into the expediency of reducing the rates of postage." Then, if the committee saw that it could be done, they would make such reduction as would correspond with the ability of the department, and would report a bill to that effect. If not, they would report against the measure, and there would be an end of the matter, unless the Senate should decide on a reversal of the report.

Mr. SPRAGUE said that he had presented the resolution in this form, for the purpose of obtaining the opinion of the Senate whether there should be a reduciton of the rates of postage or not. He did not offer the resolution in the usual form of instructing the committee to make an inquiry, because, to speak frankly, the subject had been before the committee during the whole of the last session, and he was not aware that any report had been made. If he was in error on this point, he hoped he should be corrected. He had, during the last session, presented several petitions himself, praying for a reduction, and having felt himself bound to pay some attention to these memorials, he had from time to time made inquiries of the committee, as to the progress of the investigation into the subject, and had been informed that they were attending to it; but he had never been apprized of any report which had been made. What, he would ask, were the opinions of the committee on the subject? There had been a report on the reduction of newspaper postage, but it was composed exclusively of that branch. There had certainly been five petitions, at the least, for a reduction of the postage on letters, which had not been acted on. The report on the newspaper postage was discussed at the last session; and he presumed that members might probably be prepared to come at once to a decision on the reduction of the letter postage, and to make it peremptory on the committee to report a bill, the details of which, and the amount and the mode of reduction, might then be the subject of a future discussion.

As to breaking in upon the treasury for the support of the Post Office Department, it was certainly a question of some moment, but he was not aware that the divorce between the treasury and the department had ever been complete. There never had been a period when the treasury had not contributed to the support of the department. For several years an annual amount of about 70,000 dollars had been appropriated out of the treasury for the support of the officers of the post office. It had been formerly said that in an account current, the Government would be found to be indebted to the department. The Government, it was suggested, was indebted to the amount of half a million annually for the postage of the departments, and the privilege of franking all documents and communications. If so, there could be no great evil, if the Government paid for the amount of the services rendered by the departments and if the Government were to be called on for no further aid, it could be considered as only equal justice if they were to pay for these services. How did it stand now? The channels of information for the people were taxed for the benefit of the Government. It appeared to him that the diffusion of knowledge, of information, through the country, which ought to be, and he presumed was, the primary object of the Post Office Department, made it important that the cost of this transmission should be reduced to as low a rate as possible. This was one of the avowed means of diffusing information among the people, against which there existed no constitutional objection. Were other means of communicating knowledge suggested, constitutional objections were at once raised. But here, through the Post Office Department, a mode presented itself which was not liable to such exception. By its agency, knowledge can be transmitted to the extremities of the Union; and it was important that the diffusion of that intelligence which formed the basis upon which all our institutions rested, which was the life-blood of the community, essential alike to the well-being of the people and of the Government, should be at as low a rate as possible.

The Senate had been called on to reduce other taxes, which were said to be oppressive upon the people, and why not this? If the Government were required to pay their quota, it might enable the department to reduce the general rates of postage one-half; for, taking the average annual amount of postage at two millions, and estimating the Government postage at half a million, the general reduction would not be more than 500,000 dollars to bring the aggregate down to one-half. He thought that the Post Office ought to be called on to make a reduction equal to the Government postage.

He would not urge any observations on the subject of the unproductive post offices, but would conclude with expressing his hope that the Senate would make the instruction peremptory.

Mr. GRUNDY said that the difference between the Senator from Maine and himself was, that the former desired a peremptory direction to the commitiee, while he, (Mr. G.) wished to have a previous inquiry instituted to ascertain the expediency of the measure. It appeared to be yielded, or at least not controverted, that if there were no other funds than those of the Post Office, it would be improper to reduce the rates of postage, and that it should not be done. But it was said that the Post Office accommodated the Government to the amount of half a million. That he believed, and he had so stated in the report which he had presented to the Senate. But there was a great principle to be settled. Would the Senate consent to make this department a charge on the treasury! If the rates of postage were to be reduced half a million for the first year, must not the tariff duties be reserved to an equal amount? But would it then remain at this point? The Post Office Department he regarded as the most unmanageable of any in the Government. If they were to put the whole of the treasury at the disposal of this department, such were the constant and pressing applications for new expenditures, that it would be found impossible for either the department or Congress to resist the frequent appeals for increased facilities. Take away the check which was to be found in limited resources, and there could be no control exercised over the officers of the department. He intended nothing individually; but let any man be placed in power, with inexhaustible means in his possession, and without any responsibility, and there could be no limit to the lengths he would go. A sense of propriety, it was true, would restrain some men, but this would be found too feeble a restraint to prevent prodigal expenditures.

The question was not as to the propriety of a reduction of postage, but as to the permitting of the department to go to the treasury for its subsistence. The expenditures of the department during the last year exceeded the receipts about 7,000 dollars. But there had been an increase of above 100,000 dollars in the profits; and but for this the department would not have got along. Congress had also required that now, on the 1st of January, there should be put in operation 20,000 additional miles of route. These new routes would impose on the department an additional annual cost of above 100,000 dollars. Ought any further reduction then to be made without some inquiry? He believed that the department should not be supported out of the treasury. There could be no question on the point whether the department could reduce the rates of postage one-fourth, in reliance on its own resources; and he could not therefore vote for a peremptory instruction, although he was willing to vote for an inquiry.

Mr. CLAYTON disavowed any desire to embarrass the department. But he wished to obtain the sense of the Senate on the question of reduction. The gentleman from Tennessee had assigned a reason why there ought to be an inquiry, which he considered to bear strongly against giving to the resolution the usual form. He had showed why, in his opinion, there should be no reduction, and had given the grounds on which he had formed that opinion. The Senate could judge, therefore, of what use it would be to refer it to the committee merely to inquire into the expediency of the measure. A report might, after some weeks, perhaps, be expected against the propriety of any reduction. This was a just inference from the course of the committee last year. The gentleman from Tennessee had urged the same argument now which he advanced last session; that the revenue of the Post Office would not sustain the department without aid from the treasury.

Mr. GRUNDY begged leave to say a word in reply to what had been said concerning the petitions on this subject last year. He was one of the committee to which those petitions were referred. It had been said that the committee did not see fit to report upon the subject. They did not make any specific report in relation to these memorials. They considered that the report made concerning the postage on newspapers covered the whole ground.

Mr. CLAYTON resumed, and asked why the same subject should be again sent to the same committee. To give it that direction would be in effect to decide that the rates of postage ought not to be reduced. The gentleman from Tennessee had said that the rates should not be reduced, because, in that case, the department would become a charge upon the treasury. Probably this might be the case, but this was not a good argument against the measure. It was true, as the gentleman from Tennessee had stated, that the expenditures of the last year exceeded the income; and it was also true, as the Senator from Maine had said, that the department had always been a charge on the treasury. Every year there had been an appropriation made from the treasury for the payment of the officers of the department. Last year the amount was $70,000, and the year before $80,000. It had been a charge on the treasury, and he had no doubt it would continue to be a charge, although he was not prepared to decide on the matter. But he did not see that because the department was likely to be, or was, a charge on the treasury, the rates of postage ought not to be reduced. He thought, with the gentleman from Maine, [Mr. Sprague,] the diffusion of intelligence among the people was an object of such importance as to demand from the Government a reduction of postage; and he was ready, at any moment, to give his vote in favor of it. He presumed every member of the Senate was ready now to give his decision, and he would not delay it. He hoped the opinion of the Senate on the propriety of the reduction would be expressed now, and that it would not be sent for examination to a committee which had already decided against it.

Mr. HOLMES said it was not his intention to discuss the subject of the Post Office Department much more. It had had its full share of his attention. The great difficulty at this moment seemed to be to determine how the public money was to be disposed of. Now if one department had no money to spare, and another had too much, why could they not be good neighbors and help one another? This was a tax upon consumption. It was no part of the protective system. It did not operate like that system which, by protection, produced competition, and by competition reduced the price of the article. This was a tax upon consumption. He had given notice of his intention to-morrow, to ask leave to bring in a bill amendatory of the acts regulating the Post Office Department, but he could say that there was nothing whatever in that bill which was likely to disturb the nerves of the gentleman from Tennessee. He had not then known the intention of his colleague to offer this resolution. The object of the bill which he was about to introduce was to extend the franking privilege during the recess. There was in it nothing of nullification, nothing of the protective system, nothing of internal improvement. These dreadful words were not even to be found in the bill. He was about to retire from the Senate, perhaps the gentleman from Tennessee was also about to leave this body, and probably the gentleman from Maryland. They had had some experience, and it might be as well that they should have the opportunity of imparting the advantage of their experience to those who might desire it, and to those who were to fill their places.

Mr. FOOT expressed his hope that the amendment of the gentleman from Tennessee would not prevail, and that the Senate would now come to a decision on the expediency of the reduction of the rates of postage. He referred to a resolution which he had introduced last session, calling on the department to furnish a statement of the extra allowances made to contractors, &c. in the different States, and to which no answer had been given. The petitions presented to the committee had received no answer. The argument on which the gentleman from Tennessee rested his opposition to any reduction was to him, (Mr. F.) a strong argument in its favor. That gentleman had said, and said truly, that there was a danger that any man would abuse power. Were we to set no limits to the power of the Postmaster General? It was high time to impose some check on this power, and the best way was to reduce the rate of postage. This was one of the greatest taxes on the people of this country: and if the Postmaster General was to have all this under his control, without responsibility, there was great danger of abuse. He hoped the resolution would pass without any further delay, and without any attempt to give it the go by.

Mr. BUCKNER made a few remarks in opposition to the resolution in its original form, and in favor of the amendment. He thought that the duty of committees was to collect and communicate knowledge to Congress and the country, to enable them to form correct judgments in matters of great public concern. This knowledge was not to be extracted by positive commands. The gentleman from Tennessee wished so to modify the resolution as to make it a call on the committee to give their opinion, and this he (Mr. BUCKNER,) deemed the proper course. When the whole object of a resolution was to require the committee to prepare and write a bill, the best course would be, instead of offering a resolution, to ask leave and introduce a bill at once. He did not see what good could come from adopting the course of the gentleman from Maine. Were the committee to be cut off from the opportunity of making a report against the measure? Why are they to be thus tied down? His own opinion was opposed to the propriety of reducing the postage. It would be to take the burden of the tax from the reading part of the community, and to put it upon the unreading, and would not be circulating knowledge gratis. It would be compelling the unenlightened to bear a tax for the enlightened, and would be a direct imposition on the unlearned. He wished for the committee fairly and fully to examine the facts, and to present them, with their opinions, to the Senate.

Mr. BENTON said he would prefer that an instruction be addressed to the department to present to the Senate, at their next session, a new scheme of postage, embracing a reduction which might be carried into operation without injury to the department. In the course of his inquiries and investigation, it had frequently occurred to him that such reduction might be made. In double, treble, and quadruple letters, he thought there was much cause to hope for some beneficial arrangement. If a letter contained the smallest slip of paper, or was enclosed in a cover, or contained a bank note, which could add nothing perceptible to its weight, it is charged with a double, treble, or quadruple postage, which is out of all proportion to the additional expense of transportation. There might also be an improvement in another point. The present rates of postage was fixed when the area of the population was much more limited than at present, and the distances were comparatively small. The rate of postage for all distances beyond three hundred miles was then fixed at twenty-five cents. Since that time the whole of the Western States has been thrown open, and the mail has to traverse an immense region of territory which has only of late years become known. It seemed but just that the cities in the remotest region of the West should be charged in proportion with those which were nearer. There was room then for improvement by making our views more expanded. He merely threw out these opinions, and left it to others to act upon them. He should be in favor of an instruction to the Postmaster General to furnish at the next session of Congress some scheme of the nature to which he had referred. But he would not now make any specific motion on the subject.

Coming to Congress, at the present session, with feelings deeply impressed by the present condition of the country; believing that if the State vessel in which he had embarked, with all his hopes and interests, should go down, he must go down with her; attending no public meetings; making no patriotic speeches, he had come here prepared by his vote to testify the sincerity of his love for the Union. It was his object, it would be his endeavor to give tranquillity to the country. Now, what was the present proposition? It was to pension the department on the custom house. Let this be done, and let the whole means of the treasury be within the reach of the department, and a time may come when the wishes of every man, who can obtain the interposition of a member of Congress to urge his views, will be gratified at the expense of the country. He then proceeded to expatiate on the injustice of burthening the hard and honest laborer for the benefit of cities.

He looked on this as number two of a series of measures intended to prevent the reduction of the revenues of the country. The bill which was to change our whole system in reference to the public lands, he regarded as number one. What was to become of the proposed reduction of the tariff duties, when the expenses of the public lands, and of the Post Office Department, are to be all thrown on the custom house? He was here to aid in the pacification of the country by his votes, and not by his speeches. Being here for that purpose, he should resist all measures which went to prevent the reduction of the revenue. This he considered as number two of measures to prevent the reduction of the tariff duties, and he, for the sake of the country's peace, should oppose it.

Mr. SPRAGUE said, that when he offered this resolution, he did not believe that a subject on which he supposed that all had made up their minds, would have elicited a debate of this length and latitude. The Senator from Missouri [Mr. BUCKNER] had argued the question as if it were a proposition to increase the burthens of the people. And he was certain that any one who had heard a portion of the speech of the Senator from Missouri, and had not understood the exact character of the resolution, would have supposed that the proposition before the Senate was to impose additional burthens on the people. Now, what was the proposition? It was to take off, to diminish the burthens of the people; to rid them of one of the most onerous taxes to which they could be subjected; and a tax, too, upon knowledge, a tax on information, upon the diffusion of which the security and permanency of our republic rests. One gentleman had said that it was a tax on the ignorant part of the country. He (Mr. S.) wished to do away with the ignorant part, and if he could not altogether, he would as far as he could. He would banish ignorance, by diffusing light among the community at a cheaper rate, and thus making the ignorant wise. But it seemed that the blessings of light might not be extended, that information was not to be diffused, the burden of an unequal tax was not to be diminished, and knowledge was not to be disseminated. And why? because it must be paid for; and the apprehension was that those who were not in possession of the greatest share of the advantages were to be slightly taxed for what they did enjoy.

The tax on a letter from a distant friend, what was it to the rich man? It was nothing. But when the poor man received a letter from a distance, he found it something. The postage on newspapers was also very considerable, as it was on every branch of the post office. He would legislate emphatically for the poor and ignorant, by spreading all knowledge through this channel at the least possible cost. He derived his ideas on this subject from the place of his birth. It was there that he was early taught that knowledge for all the community should be paid for by all the community. He derived his views, or prejudices, if so it was considered, from the system of free schools in New England, where the rich man who had no children was taxed for the poor man who had a family, in order that the burden should rest on classes. It was the feeling which he had thus imbibed in infancy, and which had become fixed in maturity, which had induced him to offer the resolution.

But it had been said that this was Chapter 2 of a series of measures to prevent the reduction of the tariff. He had consulted no man before he offered his resolution. He did not know that there was a single Senator who even knew of his intention to offer it. His object was single as it was simple. Whenever the subject of the custom house, and the tariff, and the duties should be specifically before the Senate, he should be prepared to express his opinion by his vote, and by his voice also, if he deemed that his duty required it. He had merely intended to bring before the Senate, at this time, a subject on which he thought that all were prepared to act.

He had stated that he thought Government should pay for the expense of postage. He did not wish to go further. It had been argued that the West ought to be against the reduction, because the East benefited most largely by the transmission of letters. This is in amount to say, the East supports the Government, and must be held to it; and the West must not be permitted to be taxed. He did not believe that the Senate could be brought to listen to an argument of this character.

One gentleman had said, if you once allowed the treasury to be called on, there will be no end to draughts on the treasury. He would merely say, that the treasury always had been called upon. What, then, became of this argument? It had also been alleged, that his resolution allowed no latitude to the committee, and that he had thus been deficient in courtesy. When it was known that he had presented petitions to the committee, and that they had held them in their hands several months, it could imply no want of courtesy in him to present a resolution which emphatically called for some action. His object was to produce reduction. It had been said that no latitude was allowed to the committee. Now, he was of opinion that there was great latitude allowed: the mode of reduction and the amount were left to the discretion of the committee, because he believed that their knowledge made them better qualified to fix these points, and that they were most able to prepare the details of a bill. It was his wish that they should mature a scheme of reduction, and present it to the Senate.

The gentleman from Tennessee had produced an argument which he (Mr. S.) must confess, however plausible it might appear, had no weight with him. That Senator had stated, that this was the most unmanageable of all the departments; that there was a want, not in the present incumbent, of responsibility, which, if once a resort to the treasury were allowed, would prevent any limitation of draughts hereafter. He (Mr. S.) believed it was perfectly true that, of all the departments of the Government, there was less responsibility in the post office, and a more unlimited discretion, and a greater latitude in the application of the funds of the department in the making of contracts and extra allowances, at the mere will and pleasure of the Postmaster General, than in any other department. There had been a degree of latitude allowed which was extremely impolitic and dangerous. Why was this? It was the people's money. Why had it never been looked into? Why had one man been permitted to expend thousands and hundreds of thousands among contractors, to liquidate such claims as they might bring forward, and no examination had been instituted? He made no charge against any individual. He merely stated the fact, that all this unlimited discretion had existed, without supervision and without control. Why, he would ask, was this? It had been suffered to exist, because the funds had been furnished by the department. So said the gentleman from Tennessee, who seemed to think it quite sufficient to show that all was paid out of the funds of the department, as much as to say, you have nothing to do with this. He (Mr. S.) observed, that there was not a department of the Government in which there was one-tenth part of the patronage to be found which was now exercised by the head of the Post Office Department.

If the post office were to be subjected to the annual scrutiny with which the appropriation bill is watched, or to the specific action of Congress, the responsibility of the department would be increased two-fold, and there would be an effectual check on its expenditures. He was not afraid, in this view, of the effect of an alliance with the treasury: there would then be more scrutiny and more caution. Nor did he think it an objection that the Government should pay for the amount of its postage. He did not wish to throw this department on the treasury, but he had no apprehension of it. He had no objection to postpone his resolution for the present, if the Senate were not prepared to act upon it.

Mr. GRUNDY expressed a perfect willingness that the resolution should at once be acted on. Whatever the Senator from Maine might wish, as to the effect of the reduction, every step taken in the business leads indirectly to the result of making the department a charge upon the treasury. The money subtracted from the post office must be made up by the treasury. The department could not apply any where else for it. And the effect of a reduction of postage must be to prevent a reduction of the tariff to precisely an equal amount. Such must be the effect. That the necessary expenditures of the Government must be the limit of its revenue, was a doctrine to which the public mind was rapidly confirming. One of the most ingenious modes which can be adopted for keeping up the tariff at its present level, was that of keeping up the expenditures of the Government to the present amount of its revenue, instead of bringing down the taxes to the limit of the necessary expenditures. He was no advocate of a tariff, especially of a high one; and as the department had heretofore sustained itself, he had no wish to sanction any measure which would make it burdensome hereafter. The department had always sustained itself, with the exception of the annual appropriation of about sixty or seventy thousand dollars for clerks; and as a set-off to this should be taken into consideration the franking privilege given to members. When he saw the first Senator from Maine rise in his place, and then the Senator from Delaware, and then the other gentleman from Maine, he felt a variety of apprehensions from such an apparent concert of action. But now that he understood that each was acting for himself, he felt himself greatly relieved. He was glad to find that each Senator was acting for himself, *per se*, and that they are not in alliance. He did not know what to think of the proposed bill of the Senator from Maine, (Mr. HOLMES.) He could not tell that any thing was likely to be gained in intelligence from the members who were going out of that body. They would, in all probability, be regarded as politically dead, defunct, and would soon be forgotten. The gentleman from Maine might be considered as gone forever beyond all hope. As for himself, he had yet a glimmering hope remaining; it might, perhaps, like many other of the hopes of that side the House, end in disappointment; but however that might be, he trusted the Senate might be able to get along tolerably well without him. He had frequent business at the Post Office Department, and generally found members of Congress there. It sometimes happened that a contractor took it into his head that it would be more to his interest to carry a mail three times a week, than to take it twice; and he accordingly prevailed on the member of Congress from his district to go to the department and express the expediency of the change. The next year the same contractor may have discovered that he can make still more by having a daily mail. The member of Congress is again called upon, and the contractor being a man of influence must have his wishes gratified. The Posmaster General ought to be armed with some weapon to defend himself against these attacks. He might now say that the resources of the department would not permit this increased expenditure; but let the treasury once be open ed to the department and the member of Congress, and the contractor would soon find it out, and there would no longer be a limit to applications and to expenditures. There would, in fact, be no other check than a money limitation; and the navy and army would not cost the country more than the Post Office Department might, and would, if the barrier between it and the treasury were to be removed.

The gentleman from Connecticut was very anxious for a reduction of the postage because Major Barry had not answered before the end of the year the call made by that Senator at the last session. Was there any force in that argument? The object of the resolution was to ascertain the amount of the expenditures on account of the mail in each State. Now, because that call had not been answered, the Senator from Connecticut would reduce the rates of postage. He must confess that he did not quite understand this logic. If that resolution had been answered, and it had been shown that the State of Connecticut paid more of this tax than Kentucky, which had twice her population, here would have been a theme for an argument most grateful to Connecticut, and which the Senator would doubtless have made good use of. But there was another little matter which the Senator would probably not have touched upon. He would have left the subject of the expenditures in Connecticut in ships, and harbors, and light-houses, to have been disclosed by some other Senator. Yet, if all things were taken into view, if all expenditures were balanced, there would appear to be nothing unjust nor unfair. The popular plan was to point out to any particular section something in which they appeared to be oppressed, without making the view general; and thus to excite discontent against the Government. These remarks, however, had no application to the tariff, which, in his opinion, formed a just exception every where to the observation.

Mr. FOOT said, the gentleman from Tennessee seemed to think that there was no relevance between the call which he had made at the last session and the present resolution. That Senator, however, had attached an importance to the call which it had never possessed before, in his estimation. That gentleman knew nothing of Connecticut; it was not a complaining State, although there was perhaps as much intelligence diffused over it as over any other State of the Union. The people there never made complaints, but cheerfully bore their proportion of the public burdens. He believed the Post Office Department would sustain itself, and would at last intrench itself so strongly as to be out of the reach of even the power of Congress itself. Several calls had already been made to which no answers had been returned. As to the tariff, he saw no connexion between that and the present resolution. The resolution might have the effect of checking the department; and to check it, he would go still further, and put an end to the practice of making extra allowances to contractors. There was enough expended in the department to diffuse information through all the country. He was in favor of the resolution, and against the amendment, and he hoped nothing would be done to give the resolution the go by.

Mr. HOLMES said, the Chairman of the Committee on the Post Office and Post Roads had talked of dissatisfaction. What did he mean by dissatisfaction? The country was in the hey-day of prosperity: all the wishes of the other side of the House had been gratified. Was there any dissatisfaction there? We, said Mr. H., on this side of the House, do not complain, although we have been whipped abominably twice. There is no dissatisfaction on this side. The gentleman from Tennessee has got his President, and his Vice President, and his Cabinet, yet he talks of dissatisfaction.

The gentleman at the head of the Committee on the Post Office and Post Roads says this is an unmanageable department. Upon my soul, I believe so. Since he and I have been together on the committee, I believe it has been found to be unmanageable. I will insist further, from being unmanageable it may have become a managing department and whenever we find we have a managing department, we should keep it constantly in our view. This department has great power to manage, while it is irresponsible. What is the cause of prodigality in a servant? Irresponsibility. Why does a servant squander the property of his master? Because he is not responsible. The conclusion is inevitable. Whenever you trust a man with untold gold, he will usually tell out a tolerable quantity to himself. I make no charge, but merely point to the conclusion. It is a general maxim, an axiom in Government, that while you hold officers to responsibility, they will be found prudent; but when you relax the responsibility, they will become prodigal. There are, it is true, some men who will be economical without responsibility. The Chairman of the Committee on the Post Office and Post Roads thinks my case beyond all hope. I think it is so; I have declined. Some say my popularity declined first, and I declined afterwards. Perhaps I and my popularity both declined together. Now the gentleman from Tennessee has not declined. How stands it with his popularity? Have they kept pace together? I have taken no part against his re-election, although it has been said that he is as cunning as a fox. But if we get another in his room, I am afraid it will be getting out of the frying pan into the fire. The gentleman had said, that he would not make the post office a charge on the treasury, lest the opportunity for lavish expenditures should be abused by an improvident extension of the post roads. If the gentleman were to carry that principle through, he would not go far with this administration. The gentleman would not permit the Postmaster General to have unbounded resources, because he would not then have the excuse, when pressed by applicants, that the funds were insufficient. Needs he such an excuse? Are not the men to whom these high offices are entrusted, men so firm that they can refuse when their duty requires it? He would give the Postmaster General power, presuming that he would never want an excuse for the performance of his duty. If a political friend asked him for an increase of compensation, he would not, if a correct and faithful officer, hesitate to refuse. Let the responsibility be increased; and if the officer abuses the means intrusted to him, Congress would have the power to apply a corrective. If the course once suggested here had not been also arrested here, none of these allowances to contractors would have been heard of; but the responsibility would have been found effectual. He would hold every officer to his responsibility.

Mr. GRUNDY asked for the yeas and nays on the passage of his amendment; and a sufficient number sustaining the call, the yeas and nays were ordered.

Mr. BIBB made some remarks in opposition to the resolution; in the course of which he adverted to the fact that a merchant in Kentucky having got for himself the situation of postmaster, had thereby saved to himself in postage two hundred dollars, which was more than the amount of all the other postage in his office, as he kept up a considerable correspondence for the benefit of his business. There the postage tax fell on those who best could bear it. He went on to show that this was generally the case. He considered it a matter of great labor and intricacy, requiring elaborate calculation, to arrange a perfect scheme of reduction of postage, adapted to all distances; and doubted whether the post office itself could furnish the materials for such calculation. He contended that the present tax was not oppressive on any one, but that it operated as every fair tax ought to operate. At the last session he had expressed his opinions on the subject of the reduction of the newspaper postage: those opinions had undergone no change. He then adverted to our rapidly increasing population; settlements were extending themselves; and the voice of justice, in a tone not to be resisted, demanded that the Government should carry into those new settlements the benefits which were already enjoyed in the old. This constantly increases the expenditures of the department; the expenditures must continue to increase, as the ramifications of the system are extended into all parts of the country. It should be the aim of Congress to keep the expenditures of the department, as nearly as possible, within the receipts, avoiding at the same time that minuteness of legislation which entailed more cost upon the country than the subject was worth. The Postmaster General felt himself bound to keep the cost of all his improvements within the means of the department. If this check were taken away, and he was permitted to come to Congress, he would be unable to resist the temptations which would surround him. Experience every where had proved, that the Post Office Department can only be beneficially managed by subjecting it to this check; and the moment it is removed, the advantages of the system are destroyed. Dr. Franklin established the department on a small scale: it had from that time been extending itself to keep pace with the extension of the country; but it had always been kept within this check, and he would not be willing to break in upon it, because we should inevitably have to return to it. Whenever a specific scheme of reduction should be presented for consideration, he would be glad to examine it; but he was not one for rashly uprooting every thing. He was not one who, to obtain a favorite point, would throw every thing into confusion. He would not, to get rid of an imagined wrong, go into a convention of all the States, frame a new constitution, and throw every thing into chaos. So it was in regard to the post office. He would keep it within the checks with which it had always been surrounded, and not, by a rash inundation of means, render it a rank source of corruption, instead of a department useful to the country.

The Senate then adjourned to Wednesday.

WEDNESDAY, JAN. 2, 1833.

SPANISH CLAIMANTS.

Mr. HOLMES offered the following resolution:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of providing the means by which the claimants under the late treaty with France can obtain the evidence of documents relating to their claims, when such evidence and documents have been presented to the commissioners under the late treaty with Spain, and are deposited in the State Department.

Mr. HOLMES introduced the resolution with some remarks, and stated that the commissioners acting under the treaty with Spain had, after the termination of their labors, lodged the papers in the Department of State, as was supposed for the purpose of allowing to the Spanish Government access to these documents, in case of need. He referred to the case of a friend, whose bill had been before the Spanish Commissioners, and had been rejected, on the ground that the capture was made by a French vessel. Through him (Mr. H.) this gentleman had made application to the State Department to procure his papers: but owing to the construction which the Secretary had put upon his duties, it was found impossible to obtain them. The case having been taken out of the hands of the Spanish Commissioners by the rejection of the claim, the papers could be of no future use to the Spanish Government, and ought to be returned to the claimant.

Mr. WEBSTER admitted that cases of individual inconvenience might have occurred, like that which was referred to by the gentleman from Maine, but he had never anticipated that it would be thought necessary to invoke the action of Congress. It was provided by the treaty with Spain, that the documents should be deposited in the Department of State. There would consequently be some delicacy in interfering with this provision. He considered that the whole of the difficulty had arisen from the narrow construction which had been given to the term State Department. There was no precise locality to be attached to the term. It merely meant that the papers should be left in the custody of the Executive. He could not decide whether the doubts of the gentleman at the head of the department were well or ill founded, but there could be no impropriety in making use of the papers, while they were under the control of the department. It might not be correct to give them up to any individual, but an inspection of them under the charge of some officer of the Government, to whom they were intrusted, would be the kind of facility which would not come in conflict with the meaning of the treaty. He was certain that the Secretary of State would be ready to render every accommodation which he regarded as being within the range of his duty.

Mr. HOLMES repeated what he had said concerning the difficulty he had found in obtaining what he wished. His object now was the institution of an inquiry which would lead to some arrangement between the Committee on Foreign Relations and the Secretary. He referred to a correspondence which he had had with the Secretary. He had asked if the claimants could have the papers. The answer was "No." He then asked if the commissioners could obtain them, and received also a negative reply.

Mr. SPRAGUE reminded the Senate, that when the act of Congress was under consideration, he had offered an amendment with a view to meet cases of the precise character of that which had now occurred. It was then stated by those who had the views of the department, that it was unnecessary, and that the fourth section made ample provision. Such was the opinion of the department, and such also was the opinion of the Senate. Now, it was found that there was a difficulty; and it was proper that there should be some inquiry.

The resolution was then agreed to.

REDUCTION OF POSTAGE.

The Senate resumed the consideration of Mr. SPRAGUE's resolution on the subject of the reduction of postage.

Mr. EWING said, that, when this resolution was offered by his friend from Maine, he did not himself suppose that the opinion of the committee was such as required these special instructions in order to attain the object in view. I was well aware (said Mr. E.) that, at the last session, a majority of the committee was opposed to a reduction of the rates of postage; but, since that time, one of its members has ceased to be a member of this body, and the Senator from Missouri (Mr. BUCKNER) has been placed on the committee in his stead. But, since that gentleman has expressed his opinion here so decidedly adverse to the proposed reduction, it is clear that there is the same majority as formerly against it in the committee; and that, if we have any action on the subject there, it must come to us charged with instructions from the Senate. I, sir, have been, and still am, in favor of some reduction, and some modification in our rates of postage. I am satisfied that justice and sound policy require it; nor do I think that the efficiency of the department, or the fiscal concerns of the country, will be injuriously affected by such a measure, if it be judiciously executed.

The Senator from Missouri furthest to my left (Mr. BENTON) was right in saying that a reduction of impost is not always a reduction of revenue. It would not be so here, to the full extent: for, by lessening the postage on letters, you will increase their number; and packages, also, which, at the present rates of postage, seek other modes of conveyance, would be forwarded by mail, if it could be done at a reasonable cost. I agree, also, with that gentleman, in the opinion that there is an unreasonable discrimination between single and double letters; and, at the last session, I suggested (in committee) a modification which was intended to remove the inequality, but it was not acted on. A letter written upon a large sheet of 'cap paper pays twenty-five cents postage if carried four hundred miles. If it be written on but half a sheet of paper, no matter how thin and light, and contains a separate scrap of paper, however small, it pays double; if it contains two bank notes, which do not add perceptibly to its weight, it pays treble postage. Now there is no good reason for this, the bandage (to use a term of art) on each letter is the same, the weight of the double or treble letter is often much less than that of the single one, and yet it pays twice or three times as much. This is manifestly unjust, and requires correction.

From this concurrence of opinions as to the premises, I confidently expected that the Senator from Missouri would arrive at the same conclusion with myself; but in this I was mistaken. I will not quarrel with his logic, though I cannot assent to its correctness.

I was not a little struck with the views of the Senator from Kentucky, [Mr. BIBB.] That gentleman moved a resolution at the last session to abolish the duty on newspapers: he is still in favor of that proposition, but is unwilling to leave the matter, or reduction generally, to the committee: it were, he says, intrusting them with too extensive powers. He therefore goes for the amendment which instructs them to inquire into the expediency of reducing, and thereby leaves their powers wholly unlimited.

The facts communicated by the honorable chairman of the Committee on the Post Office and Post Roads furnish strong reasons for the adoption of this resolution. He tells us, and I rely implicitly on his authority, that the department now not only sustains itself with its own income, but that it performs services for the United States to the value of more than $500,000 yearly in the transmission of official letters and documents free of postage. Now, how is the department enabled to render all this gratuitous service? The answer is obvious. The postage which is received on private letters, over and above the fair cost of their transmission, pays also for the transportation of these official letters and documents; or, in other words, those who write and receive private letters pay a tax for so doing to the amount of $500,000 annually. Now, I do not deny, that, in cases of great national emergency, when all the resources of the country are required to be called forth, that these also ought to contribute what it may to sustain the Government; but surely the transmission of knowledge, the transmission of letters of business or of friendship from one part of the Union to another, should be among the last subjects of taxation to which we should resort. It is not true, in fact, as has been suggested, that it is the rich who read and write, and therefore pay this tax; and if it were true, it forms no substantial argument in its favor. But the fact is distinctly otherwise: it is to the rich, or those who are comparatively so, that letters, papers, and public documents are sent under official franks, and for the transportation of which those who write and receive private letters pay. The man of business pays a large amount of postage, but it is repaid to him by those who employ him; and the merchant charges his postage as a part of the cost of his goods, and his customers pay it; so that at last this burden falls, like most others, upon the mass of the people.

In addition to this, the poorest portion of our community, even the day-laborer who has emigrated from the old to the new States, and who has left parents or friends behind him, pays now a tax to the Government for the privilege of reading or having read to him the news from his native place, or the simple effusions of parental or fraternal love. Justice, it is true, requires that he should pay the reasonable cost of transmission; but in the present state of our finances, there is no reason why he should be charged beyond it. The same rule applies to all, whatever be their condition. The transmission of intelligence, the interchange of opinions and affections between individuals in different sections of the Union, should be countenanced rather than discouraged; and a tax imposed upon these, for any purpose, except in cases of necessity, is injudicious. If I be right in this, and if the chairman be right in his view which he exhibited of the state of the department, the postage ought to be reduced in the aggregate about $300,000--the sum which appears to be levied through the department for the use of the Government.

I cannot concur with gentlemen who think that it would occasion extravagance of expenditures, if the department were permitted to receive through the treasury any portion of its support. The honorable chairman has said, that, of all the departments of the Government, this is the most unmanageable. If, by this, he means the least responsible, I concur with him. Sir, there is more than two millions of dollars annually received there, and disbursed, we know not how. It is true, we are told in the reports of the Postmaster General that this aggregate sum, or near it, is expended in the transmission of the mails; but the precise manner is not at all disclosed to us. We know not how much is sunk in affording those unreasonable facilities which the honorable chairman says are so often asked, and are pressed for with such earnestness that they can be limited only by limiting the means of the department. How much in extra allowances to contractors, and how much in changes of contracts from hand to hand, on terms disadvantageous to the Government! We know nothing of this, nor can we ever know, while the present system remains untouched, and the committee unchanged. As a matter of theory, the Committee on the Post Office and Post Roads, to which I belong, have a right to inquire into these things; and if there be improvidence and waste, or misapplication of the funds of the department, to disclose it to this body, that it may be exposed to the public. But our excellent chairman, tender of the labor of some of his committee, and prodigal of his own, has been a kind of middle man between us and the department, and has dealt out to us just so much information as he considered salutary and suitable for us to receive. Over and again has it been attempted in this body to look into the affairs of the department, but always has the honorable chairman extended his broad ægis over them, and all beneath has been thus far sheltered by its ample shade. In truth, sir, as long as this department shall be sustained entirely by its own receipts, without resort to the treasury, there will be an indisposition here to scrutinize its disbursements. And it is unsafe, and contrary to the whole theory of our Government, to intrust to any officer the disbursement of large sums of the public money without accountability, and without scrutiny. I bring no charge against the present head of this department. I rest my views on general principles, and hold it most certain that if there be not now waste and mismanagement there, there will be; for it is inherent in the very nature of the system, as it now exists.

But, sir, if the rates of postage were so modified that the department must resort to the treasury annually for a sum about equivalent to the value of the services which it renders, (and I would not consent to go beyond this point,) the amount and the manner of its expenditures would become a subject of investigation before the committees of Congress. We always realize the fact that the money in the treasury is the public money, while the public money in the hands of the Postmaster General is, I know not why, looked upon as the money of the department. There would, therefore, be more restraint and less danger of extravagant expenditures in that, than in the existing state of things.

Mr. **KANE** then rose to state his objections to the resolution in the form in which it was offered by the Senator from Maine. In that form it gave no discretion to the committee to deviate from the peremptory instructions of the resolution. It did not give the power to inquire into any abuses which might exist; it gave none to equalize the rates of postage. What, in fact, was it? The original resolution directs the committee to bring in a bill *nolens volens*, and without saying why, to reduce the rates of postage. And the Senate were now called on to say, not whether the committee should go into an inquiry on the subject, but whether the rates of postage should be reduced or not. He said that he was not prepared to give his vote on a question of so much importance.

He admitted that there was one point on which all seemed to agree. If the rates of postage could be reduced consistently with the means of the department, and without embarrassing its operations in any degree, all were willing that the reduction should take place. And there was a class of Senators who were willing to make the reductions, even if the operations of the department could be carried on with the assistance of the treasury. He did not belong to the latter class, although he was one of those who agreed that if the rates could be reduced without embarrassing the means of the department, it ought to be done. But unless he was prepared to admit that the administration of the department hitherto had been corrupt, and its expenditures characterized by profligacy, he could not vote for the resolution in its original form. Because the committee at the last session had come to the conclusion that there ought to be no reduction of the rates of postage, it had been contended that there was no way left but to give a peremptory instruction to report a bill. He was not prepared, unless without further investigation, to set up his opinion against those of the committee, whose attention had been long and sedulously addressed to the subject. It was easy for gentlemen to get at their object, and it might be done in one of two ways: in the first place, if the committee should make a report unfavorable to the object, it would be easy to move to refer that report to the Judiciary Committee, where its errors might be revised and corrected. The other mode was to introduce a bill on leave, stating the amount and mode of reduction; that bill would be sent to the committee, and if they reported against it, their report would come up before the Senate, where it would be reversed if wrong, and confirmed if right. He was prepared to vote for the amendment, or he was willing to refer the subject to a select committee, for the purpose of inquiry, but he was not prepared to set up his opinion against that of the committee. If he was in possession of sufficient data, he would have no objection to vote for a peremptory instruction.

Mr. **BUCKNER** commenced a series of observations by disclaiming all sectional feelings and views, which he declared he had never allowed to influence his opinions and actions, and he hoped he never should. On the contrary, he was in favor of every thing, the tendency of which was to promote the interests of the whole. The hasty remarks which he had made when this subject was before the Senate on a former day, had not been dictated by a spirit of envy or jealousy. In reference to the effect which this resolution would have on the interests of the West, he had spoken of it as unreasonable that the members from that section of country should vote for a proposition which bore injuriously upon their own constituents; but he merely intended by these observations to stand by the interests of those he represented, as other gentlemen from other sections of the country would feel disposed to do. He had stated that he was opposed to a resolution which compelled the West to pay the postage of the East. So far from intending an appeal to the West, it was his object to address himself to the generosity of the East, and to invoke their feelings of magnanimity in aid of his views. He did not desire the West to be influenced by sordid prejudices; but that the East should be actuated by noble views. The Senator from Maine had said that he was desirous to diffuse knowledge and dispel ignorance. He also was willing to diffuse knowledge and dispel ignorance; but he would not put his hand in another man's pocket for the purpose of showing his charity. He would not put his arm, up to the elbow, into the treasury, to display his kindness to any particular part of the Union. How was this proposition to be considered? The gentleman from Maine proposed, not that every man should pay for his own learning, but that the poor and honest yeomanry should be taxed in order to accommodate the rest of the community. Was this the way to diffuse knowledge? Every man ought to pay for what he received; and to tax another for it was unjust. If the East paid the greatest share of the tax, it was because it had the greatest share of advantage. He who received the greatest benefit ought to pay the greatest share of the cost.

He went on to state that where there was most traffic there was the greatest necessity for the information circulated through the post office, and there the greatest amount of postage should be paid. The East had the greatest share of trade, and if it was taxed the most heavily, it was to pay for its own postage, and not the postage of the West. He expressed his regret that any proposition should be introduced at this time, the tendency of which was to increase the agitations which now disturbed the country. While he was one who would not add to the present excitement, he would not be induced to refrain from taking every step necessary for the public interest, but, at the same time, he would not sanction the introduction of new schemes. He was not one of those who imagined that any great danger now beset the Union, or that the moment had arrived when this fair fabric of human wisdom was about to be destroyed; for he looked to the operation of a redeeming principle which existed in it. He relied, in a great measure, on the chief mag trate, who had sworn to support, and who would maintain the constitution; and most of all, he relied on the patriotism of the people; but he was not disposed to throw an additional firebrand to destroy the harmony of the country. There were two great objects which seemed to be kept in view by one of the great parties, to prevent any reduction of the tariff duties, and to keep up the price of the public lands. One part of the country was opposed to the first measure, and another section to the last. It was not to be expected that members from the South and the West, who believed the salvation of the Union depended on the reduction of the tariff, and the price of public lands, would vote for any of those measures which threw additional burdens on the treasury. Such were his views; and no ingenuity, no argument, no sophistry, would induce him to move from the course which his duty enjoined on him to pursue. His mind was made up. It was unnecessary for him to disguise himself; the time had come when the tariff and the price of public lands must be reduced; and all the schemes to keep them up to their present scale could not succeed. The tariff must and would come down; and they could not consent to put the public lands on the treasury. It was necessary to see where retrenchment could be made, in order that all unnecessary burdens might be abolished.

Returning to the subject of the post office, he said it might be true that the East paid more for the facilities afforded by the post office than the West. But suppose it were so; were there not other points where the East received more than a *quid pro quo?* was this no consideration? The greater part of the pension money was expended there. True, it was said, there was more patriotism, more industry, in that part of the country, and it might be so. The West made no complaint; but how many citizens of Missouri, or of Indiana, were employed by the Government, or supported by the public treasury? The advantages of the post office to the West were more than compensated by the greater advantages enjoyed by the East.

The gentleman from Ohio had said that the committee held the same opinions on the subject of reduction now, which they held last year. How the gentleman came to this conclusion, he did not know. This was not the same proposition as was before the committee last year. There was a great difference between taking the postage from newspapers and reducing the postage on letters. By the adoption of this resolution, the Senate did not ask the committee if it was necessary to reduce the rates, but they decided that it was necessary, and that they should be reduced. No discretion whatever was allowed to the committee, although they would be enabled to give that information which would satisfy the Senate as to the propriety of reduction. He desired to send the subject to the committee, and, after they had reported, the Senate could dispose of the report as they might decide. He considered the views taken by the Senator from Ohio, of the oppressiveness of this tax upon the poor man, by compelling him to pay a portion of the Government postage, to be a fallacious one. The burden fell very lightly on the poor man, who did not get a letter once in six months; the poor well understood the matter; they had both heads and hearts; they knew when they asked for a fish, and received a stone.

Mr. FRELINGHUYSEN said the resolution of his honorable friend from Maine submitted to the opinion of the Senate the simple proposition, that the rates of postage ought to be reduced. It prescribed neither the mode, amount, nor time of reduction; but in the present condition of the Post Office Department, with all its facilities and receipts, the resolution sought of the Senate an expression favorable to some alleviation of a very onerous and unequal tax upon the business part of the community. Yet, Mr. President, this proposition, so general and pacific in its character, has been assailed by a most extraordinary course of argument. Its friends have been charged with an almost treasonable conspiracy to keep on the tariff, and to continue the present price of the public lands. We have been directly informed, that the tariff and this price must come down; that we are not to flinch from it, for the people demand it. Sir, does the resolution on your table, when duly considered, touch either of those subjects? or are we justly chargeable with aggravating the excitement of this too much agitated country? Why, Mr. President, so far as honorable gentlemen have given us their views on the proposition, the most of them, and some from the far West too, are friendly to the reduction of the postage, if it can be safely made. Why then should a plain question of practical expediency be distracted in its discussion, by imputations of hostility to the wishes of a part of the country in the matters of the tariff and the public lands? Sir, no Senator will be driven from his duty; no one, it is hoped, means to evade the tariff question, or flinch in the discharge of his official obligations, when it comes up for our deliberation. But, said Mr. F., all we ask is, that it may wait its time; and not that it should embarrass all our legislation, and be raised up, by way of terror, against any and every measure that, by its own distinct merits, claims our distinct consideration,

Then, sir, as it regards the resolution now before us, it is worthy of notice, that the present rates of postage have been established for more than twenty years. The great increase of commercial business, and of the literary, political, and friendly intercourse of our fellow-citizens in that period, have vastly augmented the powers and enlarged the means of this department. I should probably be on this side of the fact, to set down these resources at an increase of tenfold? We are also to take into our reflections another incident: that in the principal commercial routes of the mail, from Boston through to Baltimore for example, the cost of transportation has not advanced a dollar in all the time of the present rates; nay indeed, sir, by the facilities of steamboat carriage, it has sensibly diminished. Then I submit it to the calm discretion of the Senate, whether the occasion has not reached us, when it is fit, and a most appropriate duty, to give attention to the strong claims of those who chiefly endure this burden, and extend some seasonable relief?

But it has been urged in opposition to the measure, that we shall thereby cripple the department, and that the Postmaster General should not be restricted in his operations. This argument, said Mr. F., is pressed too far. When it is seen from the report of the head of this department, that during a single year, and that the last, the travel of the mail has been increased exceeding 8,156,000 miles, while it reflects great credit upon the activity and promptitude of the department, yet Mr. President, do not such numbers as these justify the opinion, in the view of the heavy rates of postage, that some restriction may be not only quite safe but very prudent?

Again: we are told that the post office must not be made a drain upon the treasury, but be left to sustain itself. This plea is fallacious, and the mere magic of phrases may mislead us.

Sir, what is intended by the department sustaining itself? It has no means but those furnished by taxation. It is the people that sustain the department: and therefore, when in our judgment the amount of support afforded becomes greater than the just wants of public convenience, or the fair and equal proportion of burdens that should be assessed upon those who pay—why, if, notwithstanding this, gentlemen mean, by sustaining itself, that it is to use up all the funds that flow into it, be they what they may, sir, all must feel that such an argument is without weight or reason. We must look beyond the post office; to those who contribute its means, and by righteous measures, apportion their burdens.

Moreover, Mr. President, this establishment, immensely enlarged as it has been, does sustain itself and more. We have the statement, on the official authority of the Postmaster General, that for the last year, notwithstanding the multiplication of mail routes, far surpassing any former year, the nett receipts have exceeded those of the year preceding $260,000, and which sum will exceed the additional amount required for transportation by more than a $100,000. With such abundant prosperity, why should we hesitate to consider and act in this matter, when gentlemen who oppose profess entire willingness to reduce the postage, if the department can bear it?

It was insisted in further objection to the resolution, that it left but little discretion to the Post Office Committee; and, indeed, restrained it to a degree almost disrespectful. Why, sir, this is urging difficulties a great way. The proposition is of most general import. The Senate will fix nothing but the propriety of a reduction, and then refer over to the committee the entire subject, with all its details. It will leave them to arrange the rates after juster proportions, to report on what items a reduction should be made, and to ascertain the amount. And if there be a majority of the Senate in favor of the proposition, it is surely desirable, even to the committee, that it should be known; as we now understand, that no bill for a reduction of the postage will be reported from that committee, unless upon such a resolution as is under consideration.

And, in conclusion, to evince the pacific character of the resolution, in defence against the charge of harsh interference with the duties of the department and the committee, take the case of postage on single and double letters. Why, there is no one who doubts the arbitrary disproportion of the assessment. That a letter paying twenty-five cents postage should pay fifty for another leaf, or even any small fragment of it, is an inequality that can be justified on no principle; and so it has been conceded in argument at this time Then, Mr. President, a reduction of this rate should the committee be unwilling to go further, would meet and justify the whole scope of the resolution. The truth is, there are no serious difficulties whatever in the way of a proper adjustment, and he hoped that the amendment would not prevail, but a distinct instruction be sent to the committee for a bill to reduce the rates of postage.

Mr. **POINDEXTER** said that in order to prevent any misapprehension as to his vote, he wished to state that in voting against the amendment, and for the original resolution, he did not intend to commit himself to vote for any bill which might be reported. He thought some reductions of the rates of postage necessary. The bill would be of course reported in blank, and it would be for the Senate to fill up the blanks. He should, therefore, without entering into the various topics which had been brought into this discussion, vote for the instruction, leaving it to be determined hereafter how far reduction ought to be carried. The subjects of the tariff and the public lands, which had been mixed up with this debate, he considered as extraneous. Whenever those subjects should come up, he would be prepared to give his vote upon them. For the present, without entering into any of the details of the subject, he should vote for the resolution in its original form.

Mr. **GRUNDY** said he did not rise to go into this debate again, but merely to express what, in his view, would be the duty of the committee. Should the amendment be rejected, and the resolution be adopted in its original form, the committee, without regard to the means of the department, would of course report a bill making substantial reductions in the rates of postage. They would be compelled to do so, under the mandate of the Senate. But if the amendment was adopted, what then? He thought the committee, if they were of opinion that reductions consistent with the means of the department could be made, would report a bill making such reductions as would leave no funds at the discretion of the department. But if they were ordered in the peremptory terms of the resolution, the committee could not fail to report a substantial reduction, even if it should take half a million or a million out of the treasury.

Mr. **BIBB**, in rising, said he did not design to take any further part in the general discussion. The argument was now reduced to a single point, and every Senator had to make up his opinion on the alternative, whether the department should be burdened on the treasury, or sustained by its own funds. According to the report of the Postmaster General, there was now a surplus of $100,000 over the expenses of the department, and this calculation was bottomed on the account of the whole postage receipts without diminution, leaving nothing for losses or deficiencies, and it was allowed on the understanding that no new mail routes were to be established. Without looking to contingencies or future extension, we are now to dispose of this $100,000. The whole revenue of the department appeared to be about $2,200,000, and upon this sum a reduction to the amount of $100,000 would be in the proportion of about four and a half per cent. This was all which could be touched. They were now required to take off a cent from every six cents postage, and they would thus be going into fractional reductions which would be productive of great inconvenience, both to the individual and to the department. He would ask if it was proper for the Senate to legislate for the purpose of making a reduction of four and a half per cent. It was too small a subject for legislation. He had last session been in favor of a reduction of the postage on newspapers, but it was a definite reduction, which left it clear what amount would remain in the department. In the present case, no one could tell the effect of the reductions, or how much the reductions were to be. He could not vote for so indefinite a proposition.

Mr. **SPRAGUE** said that the reasons which he had presented on a former day in favor of the original resolution, had, in his opinion, received no satisfactory answer. He did not now intend to recapitulate them, but merely to notice, very briefly, the remarks which had just been offered in favor of the amendment. The gentleman from Kentucky [Mr. BIBB] says that a reduction of four and a half per cent. would be but a very trifling affair, unworthy of attention and inconvenient in its operation. But who has proposed such a reduction? Not my resolution, nor any gentleman who has sustained it; nobody but the honorable member himself has suggested four and a half per cent. as the extent of the diminution. It is his own proposition, then, which the gentleman pronounces to be insignificant and vexatious, and I certainly have no disposition to interpose between him and his offspring. The chairman of the Committee on the Post Office and Post Roads [Mr. GRUNDY] has presented, in various forms, and under all its aspects, the objection that a reduction will involve the necessity of calling upon the national treasury. It is repeated and reiterated that the department should sustain itself; that if you once allow the precedent of calling for any aid from the treasury, no bounds or limits will or can be prescribed to its inroad, and horrible pictures of extravagance and ruin are conjured up by the affrighted imagination. One would think that to receive aid from the general funds of the Government was a violation of uniform practice and fixed principles, when, in fact, the Post Office Department has, ever since the organization of the Government required aid, received annual appropriations from the national treasury. For several years last past those demands have averaged nearly seventy thousand dollars. The new precedent, against which the note of alarm is sounded so loudly, is found in truth to have been the uniform practice from the first days of the department to the present moment. This simple fact, I trust, will be sufficient to dispel extravagant apprehensions, and enable us to look calmly at the justice and expediency of the proposed measure.

The original proposition simply and singly declares that there shall be some reduction of the rate of postage. The amount, the mode, the items, and the time, are left to the consideration of the committee and the future determination of the Senate. Now, sir, to the only objection which has been urged, that the department will not be able to sustain itself, there are several satisfactory answers:

First. That a reduction of some of the rates of postage does not necessarily involve a diminution of the receipts of the department; on the contrary, there is good reason to believe that rendering the transportation cheaper, in some particulars would increase the amount. Take, for example, double and treble letters: the smallest piece of paper, a bank bill enclosed, duplicates the tax, without increasing the labor of transportation. If the expense was less, would not the number be increased? Would not thousands of such letters be put into the mail that are now intrusted to a more precarious and procrastinated conveyance by private hand; and by proper restriction as to weight, public convenience, and the revenue of the department, both be advanced? I might also adduce, in further illustration, cases of short distances, and easy communication, where private, to a degree, supplants public conveyance. But the principle that a reduction of the rate of tax may increase the revenue, is too well known and established to need illustration; and yet the assumption that it must and will certainly diminish the receipts, is the foundation of the objection to the resolution.

But suppose that the revenue from postage should be diminished, it would not necessarily require supplies from the treasury; it might be met by greater economy in the disbursements of the department; by a less amount of extra allowances made at the mere discretion and uncontrolled will of the Postmaster General to contractors; by a less liberal or lavish expenditure for unprofitable and unnecessary routes. In these respects there has been, and still is, a wide and almost unlimited scope for the mere discretion of the Postmaster General. No department of this Government has so much patronage, and so little responsibility; and this has arisen from the ideal divorce between this and the other branches of the public service. "The post office sustains itself," is the reply to all complaint, and the shield against all scrutiny. It seems almost to have claimed and enjoyed immunity from investigation, by folding itself in its own robes, and saying it "sustains itself." But how does it sustain itself? Is it not by a tax upon the people? Is it not by the money of our constituents? Shall we not, then, inquire to what extent this burden is necessary, and whether it is levied upon principles of justice? You or I, sir, and other officers of the Government, and the Government itself, enjoy an immunity from this tax. "Free" is subscribed upon our communications, and they are transported to the remotest corners of the Union without charge; but at whose expense? From whom does the department draw the money which pays for this transportation? Is it not from the postage paid by private citizens? They then pay not only the expense of conveying their own letters and newspapers, but those of the Government also. The packages, books, and documents thus diffused, are not for the benefit merely of those who pay the postage, but of the whole country. The benefit is general; should not the burden also be general?

The postage upon Government documents would be half a million of dollars a year. This department, then, not merely "sustains itself," but contributes by its labor half a million of dollars annually to the aid of the Government. It saves that amount to the national treasury. Suppose, then, that this—the worst consequence that has been apprehended or predicted by any one, the payment from the treasury of the Government postage—should ensue from the proposed reduction of rates, would there be any injustice? Nay, sir, is it not necessary, in order to preserve the principles of equal taxation for common benefits?

The present rates of postage are essentially the same as those established forty years ago, in the infancy of the country; when the wants of the Government were urgent, and the experience of the department nothing; when the roads were bad, the difficulties of transportation great, and the business transacted small. Since that time there have been, throughout the whole country which was traversed by the mails when the rates were originally established, a wonderful, an astonishing increase in the facilities of transportation and the amount of business; and yet this tax upon the diffusion of light and knowledge is kept up to its full original amount. And still the department, which originally sustained itself, cannot now, we are told, bear a reduction, because, in that event, it will not be able to stand upon its own revenues. Why will it not be able to stand alone? Because of the continual enlargement of facilities and expenses upon unproductive post routes, and the extension of the franking privilege. If this argument is allowed to be sound, the time can never arrive when the citizens of any portion of the country can anticipate a diminution in the onerous burden upon the circulation of information. No matter what improvements they make, at their own expense, in the construction of highways, railroads, and canals; even if they reduce the expense to the Government to less than half its original amount, while the increase of business may more than quadruple the receipts from postage, still the money thus drawn from them will forever be expended by the Postmaster General. There will always be contractors and agents asking extra allowances; there will always be a desire for an extension of the frank; there will always be new, and unprofitable, and unnecessary routes to absorb the whole funds; and we shall always be told that the head of the department has made arrangements to expend the whole revenue; and, therefore, we must never touch the rates of postage. It has been objected that those who receive the benefit of the mails should pay the expense. If so, the Government, then, should pay for the amount of its accommodation, and the unproductive routes should meet their own expenses. But this is more than I ask. As the matter now stands, the Government transportation, and the unproductive mails are both thrown upon the productive routes, to the subversion of equality and justice.

The gentleman from Kentucky [Mr. BIBB] has heretofore strongly advocated an abolition of the postage on newspapers; and, as my proposition is simply that there shall be some reduction of the rate of postage, I had confidently anticipated that it would conciliate his support. But although still in favor of a reduction, he is opposed to instructing the committee to reduce, lest they should not make the particular modification which he has at heart. He fears to give the committee so much latitude of discretion, and yet he is in favor of this amendment, which has no other effect than to enlarge that discretion. He will not trust the committee with a limited power as to the particulars in which the reduction shall be made, but prefers a proposition which gives them every latitude, not only as to the items and amount, but whether there shall be any reduction or not. I had hoped, sir, that the original proposition being single, simple, and unencumbered by details, would command the support of every member who is in favor of any diminution; and, notwithstanding his argument, I hope we shall yet have the vote even of the Senator from Kentucky himself.

Mr. SMITH rose to move to lay the subject on the table, in order to follow it with a motion to proceed to the consideration of Executive business.

Mr. SPRAGUE hoped that the Senate would now take the question. He would not say another word.

Mr. SMITH then yielded.

Mr. MILLER rose to give, in a word or two, the reasons which would induce him to vote against the resolution. If the Senate gave an instruction to their committees, the instruction ought to be definite. This resolution was so defective in this particular, that the committee might substantially avoid the reductions which were expected. They are directed to do something, or to do nothing. If responsibility was to be taken from the committee, they ought to be plainly instructed what they were to do. He would vote in favor of the amendment, and whenever the committee should make their report, if any gentleman should offer a proposition more agreeable to him than the report, he would vote for it.

The question was then put on the amendment offered by Mr. GRUNDY, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Buckner, Dallas, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Miller, Moore, Robinson, Smith, Tipton, White, Wilkins.—20.

NAYS.—Messrs. Bell, Chambers, Clayton, Dickerson, Ewing, Foot, Frelinghuysen, Holmes, Knight, Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tomlinson, Webster.—18.

So the amendment was agreed to.

The question recurring on the resolution as amended,

Mr. FOOT moved to amend the same by inserting after the word "reducing," the words "and equalizing." He explained that the object was to do away the inequality and injustice which prevailed under the present system.

The amendment was agreed to.

Mr. HOLMES then moved further to amend the resolution, by adding the words "and particularly of abolishing the postage on newspapers."

After a few words from Mr. GRUNDY and Mr. HOLMES, this amendment was also agreed to.

The resolution and amendment was then agreed to without a division. Adjourned.

THURSDAY, JANUARY 3.

DUTIES ON IMPORTS.

When the doors were opened, the Senate resumed the consideration of the following resolution, submitted by Mr. POINDEXTER on the 17th ult.:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, with as little delay as practicable, a detailed statement of the articles of foreign growth or manufacture on which, in his opinion, the present rate of duties ought to be reduced; specifying particularly the amount of reduction on each article separately, so as to produce the result of an aggregate reduction of the revenue six millions of dollars, on such manufactures as are classed under the general denomination of protected articles; and that he also append to such report an enumeration of articles deemed to be "essential to our national independence in time of war," and which, therefore, ought, in his opinion, to be exempted from the operation of the proposed reduction of duties.

The question being on the amendment of Mr. KING, proposing to strike out the clause of the resolution commencing "and that he also append to such report," &c.

Mr. POINDEXTER repeated, substantially, some of the arguments used by him on a former occasion, against the proposed amendment.

The question was then taken, and the amendment was rejected by the following vote:

YEAS.—Messrs. Benton, Brown, Dudley, Forsyth, Grundy, Hill, Kane, King, Mangum, Robinson, Smith, Tipton, White.—12.

NAYS.—Messrs. Bell, Bibb, Black, Chambers, Clay, Clayton, Dickerson, Foot, Frelinghuysen, Hendricks, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Tomlinson, Webster, Wilkins.—24.

The question then recurred upon the amendment offered by Mr. BROWN, to strike out the whole of the original resolution and insert the proposition reported by the Committee on Finance, to wit:

"That the Secretary of the Treasury be directed, with as little delay as may be, to furnish the Senate with the projet of a bill for reducing the duties levied upon imports, in conformity with the suggestions made by him in his annual report."

Mr. POINDEXTER, in a few words, opposed the amendment and supported the original proposition.

Mr. CLAY rose to signify his desire to receive from the Treasury Department some specification of the articles deemed essential to the national defence in time of war. It was made the duty of that department to furnish all necessary information connected with the finances of the country. The knowledge which the department must be supposed to possess of the general course of trade, and the operation of any given reduction upon the finances, rendered the views of the Secretary necessary to a more correct understanding of the subject. Before he recently left the city, he had, in conversation, expressed a wish to see the plan of the Treasury Department in a specific and responsible form for the reduction of the revenue, and particularly a specification of those articles which were considered by the Executive and the Secretary as essential to national defence. As it respected the form in which this information should be imbodied, it was not a matter of much consequence, whether in the shape of a bill or in a detailed report. He, however, agreed with those who contended that the Senate should not call on the Executive or the head of a department for the projet of a bill. He felt warranted in saying that the practice had never existed for the Senate, as a body, to call in this way for a bill. It was not unusual or improper for committees to do so; but if there were any precedents where either the Senate or House of Representatives had called on the head of a department for a bill, it had escaped his recollection. He should be sorry to see such a practice obtain; because it might be carried in time to such an extent, as to deprive Congress of its legitimate powers, and no bill might be permitted to pass, unless a projet was furnished by the Department. He should vote against the amendment, and in favor of the original resolution.

Mr. SMITH considered that there was no great difference between the two propositions. The original resolution asked for the opinions of the Secretary—the latter called for facts. We wanted facts, and not opinions. He was opposed to calling for the opinions of the head of any department. It had been the practice to call upon Mr. Hamilton, when Secretary of the Treasury, for opinions; which opinions had great weight, and were with many equal to law. These calls on Mr. Hamilton were made by his friends, with a view, probably, to influence others; but, in this case, he imagined the opinions of the present Secretary of the Treasury would weigh but little with the Senator from Mississippi, [Mr. POINDEXTER.] He believed that Congress had called on Mr. Dallas for the projet of a bill. The original resolution was indefinite in all respects. The other proposition would answer the purpose which gentlemen desired, as the projet of a bill would explain the meaning of the general remarks of the Executive and Secretary on the subject, and would show, by its provisions, what articles were deemed essential to national defence in time of war. As this was a revenue measure, it more properly belonged to the House of Representatives; and, as the committee of that house (who had been aided in their deliberations by the Secretary of the Treasury) had reported a bill, which would be acted on forthwith, he could see no necessity for calling on the Secretary for the repetition of his views to the Senate.

Mr. BROWN said he did not rise to discuss the resolution. He merely wished to controvert the remark of the gentleman from Kentucky, [Mr. Clay,] that no precedent could be found in the Journals of either House, where the head of a department had been called upon for the projet of a bill.

Mr. CLAY explained. He had said that no precedent of the kind had occurred within his recollection.

Mr. BROWN resumed. In the remarks made by him, a few days since, on this subject, he had taken the ground that the proposition was sustained by precedent. [Mr. B. here read from the journal of the Senate, of 1831-'2, a resolution submitted by Mr. Smith, of Maryland, and adopted, calling on the Secretary of the Treasury to prepare and furnish, at the commencement of the next session, a bill regulating the pay of the officers of the customs, &c.] Mr. B. remarked, in conclusion, that he believed the House of Representatives had made a like call, on a different subject, at the last session.

Mr. CLAY said there might be a single case; but he believed there was no instance where a call of this kind had been made, where the subject had been brought to the consideration of the House and controverted.

Mr. FOOT said it was obvious, if the bill which had been reported in the House of Representatives was the Secretary's bill, as intimated by the gentleman from Maryland, [Mr. Smith,] the amendment proposed by the gentleman from North Carolina was unnecessary. The Secretary of the Treasury has furnished us in his report with his general views on this subject: we now want the reasons upon which these general views are founded.

Mr. HOLMES had met with a document calculated to throw some light on the subject, but which was not then at his commmand. He would, therefore, move an adjournment; but he withdrew the motion at the instance of

Mr. POINDEXTER, who said he would be willing to accommodate the gentleman from Maine, but the subject had been some time before the Senate, fully discussed, and every Senator was prepared to give his vote. He had no doubt the gentleman would be able to bring forward precedents to bear him out in his views; but he hoped the question would be taken, and the subject finally disposed of.

Mr. HOLMES renewed the motion to adjourn, which was carried.

The Senate then adjourned.

FRIDAY, JANUARY 4.

CUMBERLAND ROAD.

The bill for the continuation of the Cumberland road from Vandalia, in the State of Illinois, to Jefferson City, in the State of Missouri, was then taken up in Committee of the Whole.

Mr. BENTON moved to amend the bill by adding after the word "Missouri," the words "and thence to the western frontier of Missouri, in the direction of the military post on the Missouri river, above the mouth of the Kansas river."

Mr. BENTON advocated his amendment as being rendered necessary by the state of the population, and the condition of the frontier, which required the construction of a military road similar to that of Mars's Hill, in the State of Maine.

Mr. SPRAGUE moved for further time to ascertain the propriety of making this location.

Mr. SMITH complimented the gentleman from Missouri on his adroitness in converting this road into a military road, because it removed it from the danger of the Presidential veto, but objected to the amendment.

Mr. HENDRICKS also expressed his apprehension that the amendment would embarrass and weigh down the bill.

After a few words from **Mr. BUCKNER**,

Mr. SMITH moved to lay the bill on the table--yeas 18.

TARIFF.

The Senate then resumed the consideration of the resolution offered by Mr. Poindexter.

The question being on the motion of **Mr. BROWN** to substitute the resolution offered from the Committee on Finance.

Mr. HOLMES said, he gave the Senator from North Carolina [Mr. Mangum] full credit for his motive in objecting to this call. He, last session, was opposed to a similar call, and he opposes this to preserve his consistency; although that was made for information concerning a bill, after the debate upon it was almost finished, and a contrary vote here, in this stage of the subject, would by no means impeach his consistency: still, (said Mr. H.) I admit, it is a great affair at this time, if a man can preserve an apparent consistency for so long a time as six months. The Senator from Maryland, [Mr. Smith,] I believe, would not consider it much of a merit to preserve consistency for any time: for, if I have understood him right, he would rank it, at best, with the minor virtues.

I am in favor of the resolution which asks for a projet of a tariff, but opposed to the amendment which asks for it in the form of a bill. The reasoning of the Senator from Maryland seems to me to resist the very conclusion which he seeks. He would have facts, and not opinions. Now, if I were to call for facts, a bill is the last thing I would exact. What is a bill but a projet of a law? and whoever heard that this is a statement of facts? Every law is an experiment, an opinion. Facts state things as they are; opinions, what they should be. Now a bill or law proposes something to be done; and, so far from stating facts as they are, it is usually found necessary that each bill presented here should be accompanied by a report detailing the facts as they exist, on which the bill, or opinion, is based. It was, to be sure, once the practice to pass laws with preambles, stating the facts and reasons, but that has been long since exploded. Either the Senator or myself is hallucinated. If he wants facts, he would ask the Secretary for a bill, in which he would be very sure not to get them; and he would not call for a report, the only way in which he could possibly obtain them: that is, he would do the very thing that would defeat his professed purpose. Now, sir, I want both the facts and opinions of the Secretary, the thing as it is, and the thing as, in his opinion, it should be. And why this delicacy? Why attempt to shield a public officer from a responsibility, which the very law creating his office imposes on him? Never, before this administration, did this Senate seek for a panoply to screen a public officer from scrutiny.

The act of September, 1789, establishing the Treasury Department, makes it the duty of the Secretary "to digest and propose plans for the improvement and management of the revenue, and for the support of public credit;" and further, "to make report, and give information to either branch of the Legislature, in person, or in writing, as he may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office."

Special calls were the usual way information was obtained from this department, until the act of the 10th May, 1800, made it the duty of the Secretary to make the reports, required by the act of 1789, at the commencement of each session of Congress.

Now, sir, I would inquire of the Senator from Maryland how he is to distinguish these reports from opinions? The act of 1800 requires of the Secretary annual estimates of revenue and expenditures; and pray, sir, is not an estimate an opinion, a judgment, the result of a process of reasoning? Really, sir, can the Senator be serious? Had he not looked very grave, I should have thought he was disposed to be playful on this subject.

These calls upon the department for opinions, as well as facts, have been the constant practice of both Houses, ever since the adoption of the constitution.

In answer to a resolution of the House of Representatives the 15th January, 1790, Mr. Hamilton, Secretary of the Treasury, made his report on manufactures.

"The embarrassments which have obstructed the progress of our external trade have led to serious reflections on the necessity of enlarging the sphere of our domestic commerce."

Speaking of the productiveness of manufactures and agriculture, he says:

"The maintenance of two citizens, instead of one, is going on, and the State has two members instead of one, and they, together, consume twice the value of what is produced from the land."

"The division of labor and its effects, greater skill and dexterity, economy of time, and an extension of the use of machinery."

"Additional employment of classes of the community not particularly or necessarily engaged, women and children."

"Emigration from foreign countries, greater scope for the diversity of talents, and a more ample field for enterprize."

"The uncertainty of the foreign demand for the products of agriculture should induce us to substitute a home market."

"The arguments against the encouragement of manufactures would have great force, if perfect liberty to industry and commerce were the prevailing system of nations. But the regulations of several countries with which we have the most extensive intercourse, throw serious obstructions in the way of the principal staples of the United States."

It is no small consolation that the measures which restricted our trade have accelerated internal improvements.

Against the hypothesis that manufactures unprotected will grow up as fast as the interests of the community require, he replies:

"The strong influence of habit, the spirit of imitation, the fear of success in untried enterprises, intrinsic difficulties incident to first essays against foreign competitors, with their skill, and the protection which they experience."

He was called on by the House of Representatives for his opinion, for a plan, and he gave at length, and in detail, his plan and his reasons, and in a masterly manner. It is foreign from my design to discuss the merits of this State paper, my object being only to convince, even the Senator from Maryland himself, how palpably he errs in the position he takes; but I may be allowed to say the wisdom of the maxims he there laid down have been found, by experience, to be those of the profoundest wisdom. It is possible it may be objected that those were the maxims of federal times, and of an ultra federalist. I think, however, the present Secretary will not object to them on that account. I believe he never disguised his ultra federalism, nor shrunk from a defence of the doctrines of his party. I have here a speech of his delivered in the House of Representatives, in 1824, from which I will give the following extract:

"When up before (Mr. McLane said) he had referred to the precedent of 1801, as bearing upon the present case. In answer to the argument drawn from it, the gentleman from South Carolina had denied any weight to the precedent, because it was derived from the administration of the Government by the federal party. Mr. McL. expressed his regret that any thing should have fallen from that gentleman which might have a tendency to revive animosities which, for the happiness of the country, ought never to be disturbed. But, he said, if this subject was to be introduced, he was willing to meet the gentleman from South Carolina. The precedent he had referred to, was a precedent set in party times, and of the federal party. But, said Mr. McL., it does not, because it is a precedent of the federal party, come to me with less title to respect. Is this the only precedent of that party? It is the precedent of a party, says the gentleman, capable of enacting the alien and sedition laws. True, it is, and it is the precedent of a party which organized this Government, which put it in motion, after building it up, and established the policy which, wisely cherished, had made this nation, at this day, prosperous at home and respected abroad. It is the precedent of that administration, to the wisdom of which, time, which tries all things, was fixing its seat. It is a precedent of the same party that established the judiciary, built up the navy, created an army, and laid the foundations of the system of national defence, which has afforded to us security at home, and protection abroad. After copying from that party all these measures of national glory and prosperity, why will not the honorable gentleman receive from it also this precedent, which has the same motives, and the same great objects in view? In all other cases, the federal party consulted the true interests of the country; and their measures were calculated to subserve them, or it has been folly to adopt them. In the case now brought into precedent, they had the same objects in view, and, the gentleman will find, if he adopt their policy in this respect also, he will reap the fruits of this, as he has done of the other precedents set by them."

After this, sir, I trust that it will not be doubted that Mr. Hamilton would be good authority with the Secretary. But lest I should be mistaken in this, I will give you an authority from the great apostle of democracy, which will no doubt have its due weight with this very democratic administration. The Secretary of State, (Mr. Jefferson,) to whom was referred the report of the Committee of the House of Representatives, on the written message of the President, of 14th February, 1791, with instructions to report his opinion on commercial restrictions, made 23d February, 1793, observes:—

"Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs, first burdening or excluding those productions which they bring here in competition with our own of the same kind, imposing on those duties lighter at first, but heavier and heavier afterwards, as other channels of supply open."

"When a nation refuses to receive in our vessels any production but our own, we may refuse to receive in theirs any but their productions."

"Where a nation refuses to our vessels the carriage even of our own productions to certain countries under their domination, we might refuse to theirs of every description the carriage of the same productions to the same countries."

I have the journals before me, in which I might find cases so numerous as to prove a constant uninterrupted practice. I have one more under Mr. Madison's, and another under Mr. Monroe's administration, on this same subject of a tariff, to which I will merely refer the Senate, but will not delay them by reading the cases. I believe I can find several where the call was made on the motion of the Senator from Maryland himself; but as he does not affect to think much of consistency, it may be as well to pass them by.

I repeat, sir, it seems exceedingly strange that there should be such sensation at this call upon the Treasury Department. Why not obtain the information so much needed? Who is in danger? Is there, indeed, any danger? If there is any thing obscure or equivocal in the Secretary's report, why should he not explain?

The Senator from North Carolina [Mr. MANGUM] has taken very strong ground, and seems almost to arraign the motives which prompt us to the call. It seems to me that a Senator who would invoke us to come to the subject of the tariff in a spirit of kindness and conciliation, should not set an example so very wide from his precepts. The Senator sounds an alarm, the Union is in danger, and he presents the alternative of immediate action or ruin. I was, and am still disposed to act in a spirit of conciliation, but with a spirit of prudence and discretion I have witnessed a crisis so often that they cease to alarm me. If by immediate action is meant that we must abandon the protecting policy before the 1st of February, then there is no such alternative as the Senator proposes, for it is ruin at any rate; once surrender to a State, under her threat of a dissolution of the Union, and the Union is not worth preserving, it is virtually dissolved. Every refractory State would catch and rely upon the example, and whenever a mere and ephemeral majority in a State becomes refractory, she may set you at defiance, compel you to renounce the principle of which she complains, or the Union is dissolved.

Your tariff, the supposed source of supposed grievances, was last year modified, as was thought, to adapt itself to the conflicting interests of all parts of the country. It has not yet gone into operation; and before we can even conjecture the effects of this modification, we are called upon to change again, and immediately, and under the influence of a threat. Sir, I would act with no resentment under these circumstances, and if prudence and policy would permit, I would do the same justice every where, as if no rebellion was threatened. But I should much fear that, in so doing, our motives would be misunderstood, and we should establish the dangerous precedent of surrendering a principle under the influence of the threat of a State to dissolve the Union. A State throws herself on her "sovereignty," her "reserved rights;" and there she is to remain until you render her what, in her own judgment, is right. And if you refuse, or even delay, your laws are annulled within her limits. This is "nullification"—this is the "peaceable remedy:" peaceable to be sure, so long as you cease to resist her will, or attempt to enforce your own. Suppose our buxom sister New York should take it into her head to set herself down upon her sovereignty. Sir, strong as she is, I would get a rod, whip her up, tell her to leave off crying, wipe her eyes, make a pretty courtesy, and promise never to do so again; and after that I would inquire into the grounds of her complaints, and do her justice.

The Senator from North Carolina, in his impatience, inquires, if "this is a time for the ability and patriotism of the Senate to be exhausted in embarrassing moves, or to be attenuated in parliamentary manœuvre." Now, what does he mean? Who are the manœuvring Senators, and who the able and patriotic? Do his new associates, the nullifiers, constitute all the ability and patriotism which are arrayed by embarrassing moves and parliamentary maœuvre? It appears to me, Sir, it is to those who would shut out the light, and screen a public officer from the explanation of an equivocal report, that parliamentary manœuvre is to be ascribed. It is again inquired, if "this is a time for whimsical, capricious, and injurious violations in parliamentary tactics." To say nothing of the figure of whimsical and capricious violations in tactics, I must think that the question is much more "whimsical and capricious" than it is "ingenious," and more ingenious than ingenuous. I have witnessed no whim nor caprice in the little debate but what springs from the impatience and fretfulness of the Senator himself. His own whims and caprice have so affected him, that he imagines he sees them in others.

Again: "Is the game to be resumed which was played through the last eight months on the great political chess-board?" Now, as I am no gamester, he will pardon me if I should not readily understand this figure. If there was any gambling concern in the last Presidential election, it was the double game played by the friends and foes of the protecting system to inculcate the belief, that President Jackson was on the side of each; and though the election is finished, the game seems to be kept up. Indeed, the opposition to this call seems to be upon the principle of this game, and from an apprehension lest the administration should be obliged to show its hand.

"Shall we sit here," it is inquired, "to be amused by witty gentlemen, to taunt a Secretary, or embarrass each other?" Surely here the Senator does not mean me. I have no pretensions to wit; and if calling on a Secretary to explain an equivocation, and for information on a most important subject, which he is bound by law to give, is "taunting" and "embarrassing," I, for one, shall continue to taunt and embarrass.

The Senator has more than once referred to the "opposition benches;" and I confess I find it difficult to understand him. It is probably designed as a figure of speech. A chair is a bench, and a man is a chair; therefore, by one figure riding on the back of another, a man is a bench: so, by opposition benches are probably intended opposition members of the Senate. But still we are left in the fog. Where are your opposition benches? opposition to what, and on what subject? To the administration? If you mean to every measure, there is no opposition bench here; if to some particular measure, every one, perhaps, is an opposition bench. This last definition, I am very sure, would include the Senator himself, if we take for our rule his strictures on the late proclamation. In these times we find we have strange bedfellows. This nullification seems to have scattered us all abroad. On the subject now under discussion we are strangely mixed up. The mover of the resolution, [Mr. POINDEXTER,] the Senators from Maryland, North Carolina and Virginia, [Mr. SMITH, Mr. BROWN, and Mr. TYLER,] all originally administration men, are for the resolution in some shape; as well as the Senators from New Jersey and Maine, [Mr. FRELINGHUYSEN and Mr. HOLMES] who, I suppose, the gentleman would denominate "opposition benches;" and the Senators from Alabama, North Carolina, and Kentucky, [Mr. KING, MANGUM, and BIBB,] supporters, and the Senator from Maine, [Mr. SPRAGUE] not, I believe, considered as a very ardent supporter of the administration in all things, against the resolution. It does seem to me, that the Senator will find it extremely difficult to make this a party discussion, unless he should be a little more fortunate in marking his line.

The Senator recurs again to his favorite figure of a game of chance, and asks if he would "not shuffle and deal again." Doubtful whether I would. We have been so badly beaten, twice in succession, a short rubber I believe you call it, (don't you, Mr. President?) that I should calculate a little before I sat down. And I don't see the reason why he and his friends should wish it, unless it is this—The friends of the administration and the nullifiers were partners, and won the bet, and the administration folks took the whole, and refused to divide. But this is a common case, and, if this falling out shall tend to put things back where they should be, good may come out of evil, and the resolution may not turn out quite so great a calamity as we anticipated. And I confess that the symptoms are a little propitious. This proclamation is, with some exceptions, about what it should be. The Senator is not satisfied that it is so acceptable to the opposition. The President's "bitterest revilers speak well of it." I am not so sure of that. I have lately seen some "revilings" from a different source quite as "bitter" as any I ever heard against him or any other President. As to my own opposition, it has been to the measures, not to the man. The proclamation contains doctrines and precepts which are mine, and always have been. The right of a State to take justice into her own hands, and resist or secede from the Union, I have always opposed. And if this administration will carry out these principles, it will cover a multitude of sins, and I must take the liberty to approve its principles, and aid its ac-[illegible] even at the expense of the displeasure of that Senator [illegible] his party, whoever they may be. Now do, sir, permit me, just about to retire, to approve of one single act of the President's. There has been very little before of which I could approve, and there may not be another chance. I have never, under this administration, sought for occasion to find fault. It was my determination to condemn where I must, but approve where I could. The Senator, in reference to the proclamation, prefers the works of the administration to their faith, alluding, probably to their doings in Georgia, and their declarations as to South Carolina. Now, sir, I like their faith best, their words better than their deeds. And the only fear I have is, that they will not carry their principles out, and prove their faith by their works. Then their proclamations and all that will do no good, but their faith without works will be dead, being alone. There is, I confess, some ground to apprehend, from what has happened heretofore, that in this case principle and practice may disagree. Hitherto there has been a most woful conflict between profession and action.

The Senator inquires if we will lend a willing ear to the answer to this call upon the Secretary. No, sir; I lend a willing ear to the answer of no officer of this or any other administration. I will, for it is my duty, look upon his report with a scrutiny bordering on jealousy, and if I should perceive an evasion or equivocation, I would, if I could, call again, or send for the Secretary, and subject him to a personal examination. No, sir, I repel the suggestion that we are seeking occasion to censure that officer, or wish to make him "a target;" and why it should be supposed I know not, unless his friends apprehend that he is indeed censurable, and cannot endure scrutiny. The inquiry proposed is a very simple one, and one from which no faithful officer ought to shrink. No, sir, the remark that the design to hold the Secretary up as a target is in my view illiberal, if not disorderly. I sustain this call because the law authorizes it, and requires and makes it his duty to answer it. I make no promises beforehand to confide in the answer. I shall neither approve nor disapprove in advance. I will first see and then judge. I shall leave to others the honor of that system of political ethics which determines the matter before it has been heard. The President and his Secretary have said that a protective system is not only constitutional but expedient, of all articles indispensable to national defence, without any specification. Now what are they? Let the Secretary define, or at least specify some of them. Let us have the President's indispensables, or, if he cannot spare them, let the Secretary send us his. We would like to know what they are, how they are cut and made, in what fashion, whether British or American, and whether the material is of foreign or domestic production. If protection of articles essential to national defence is admitted to be constitutional, then nullification must go to the wall, for the constitutionality of all protection rests precisely upon the same ground. You cannot discriminate between what is and what is not essential to national defence, and if you could, the distinction would avail you nothing. Now, sir, since the Senator has brought into discussion these nullifying doctrines, however irrelevant, and even if out of order, I must be allowed to depart from the ordinary rules of debate to meet him. I protest, sir, against all the doctrines of the nullifiers as destructive of the Union. The Federal Government is no Government, if they are right. The very design of forming this constitution has failed us, if there is no coercive power in this Government to execute its own purposes, which an individual State may not effectually resist, and we are back again into the old confederation, nothing but a league which any member may at its discretion break.

Sir, the principles of these nullifiers, as I understand them, are, that a State may throw herself on her reserved rights, determine a law of Congress unconstitutional, and resist its execution. Then she may call on Congress or the States for a convention, and unless three-fourths of the States declare the law to be constitutional, it is unconstitutional and void. Seven of the twenty-four States then, being more than one-fourth, may annul any law that we pass, although it may have been determined to be constitutional by the Legislative, Executive, and Judicial authorities of the United States. Allowing this doctrine to be sound, we are still "a rope of sand," and if I were to determine whether I would preserve or abandon such a Union, I would "not admit a doubt to cloud my choice." Pardon me, sir, if I give you an illustration or two of this extraordinary doctrine of nullification. Suppose Ohio should sit down upon her "reserved rights," and determine that all our public lands within her limits became hers, as an attribute of her sovereignty, by the very act of her admission into the Union, and should forbid all sales by the United States, or declare them void. And this is a supposable case, for such doctrine has been urged *seriatim* in this Senate. Suppose further, that we should indulge her by a call of a convention, and that six other States, Indiana, Illinois, Louisiana, Alabama, Mississippi, and Missouri, all the States where we have public lands, should decide that Ohio was right, and our claim to these lands was unconstitutional, this decision is final and conclusive, and our lands are gone.

Again: Suppose Pennsylvania should undertake to expound that clause of the constitution which provides that persons held to service or labor in one State fleeing into another, shall be delivered up, and should determine that it could extend only to voluntary servitude. That by the laws of nature and of God there could be no such thing as involuntary servitude or slavery, and that nothing conventional could abrogate those laws. And this, too, is a supposable case, for it has been urged in this Senate by a highly distinguished Senator from a highly respectable State.

Now, would you give her a convention also? If you did, and the six New England States should decide for her, then slavery is abolished, at least in all the free States. And, quere, how much does it fall short of emancipation in all the States? Mind, I contend for no such effect. I only show to what conclusions your premises would lead; and let the South beware how it inculcates doctrines so dangerous to its safety, peace, and even existence. The slaves there would soon learn how to nullify, and would turn these principles to suit their own case. God forbid they should ever make the application! No man would deprecate such a state of things more than I should. But I forewarn gentlemen, that this doctrine of "reserved right," when applied to the relation of master and slave, may produce a state of things too terrific for description. I will only add, that so long as the Union holds together, we are bound to maintain this relation with our treasure and our blood. But so soon as it shall be dissolved, be the conflict between master and slave what it may, the free States would then repose upon their sovereignty. They would not interpose if they could, and they could not if they would.

Let it not be again repeated, that "an unprincipled combination has been practised upon the South." On the subject to which I have now alluded, I know that no one will charge me as a party to any such combination. The truth is, the South, though a minority, has always ruled the North, and always will. When our nullifiers in the last war threatened resistance to the United States laws, as unconstitutional, they were to be hanged under the second or some other section. But now, if the South does all that, and more, it is "a crisis." What was then "moral treason" is now dignified by the name of "a crisis."

Sir, I regret that I have travelled so wide of the immediate question. I should not have done it, but that the Senator from North Carolina wandered, and I, to answer him, was compelled to do the same thing.

Mr. SMITH observed, that he did not deem it necessary to reply to many parts of the speech of the Senator from Maine, particularly the latter part, as they were wholly irrelevant to the subject before the Senate. Some parts of it, however, he would notice. Mr. S. then went on to show, and quoting from the public documents to substantiate his positions, that it had been the practice of the Government, since its formation, to call on the department for projets of bills. At the time spoken of by the Senator from Maine, no parties were formed in this country; both the Senator from Maine and himself were then federalists. In 1794, when the two great parties that then divided the country were formed, it was inconvenient to us (said Mr. S.) of the democratic party to call on the heads of departments for opinions, because our opponents were strengthened by arguments embraced in them. We, then, said he, protested against the practice, defeated our opponents, and always demanded facts, and not opinions. Mr. S. then took a review of the course of the party then in power, and the views entertained by them of the law. The honorable Senator from Maine might have seen in the speeches of the federal members of that period the doctrines now advanced in his, and which were so successfully opposed by the ablest men in the nation; such as Giles, Madison, and Gallatin. Mr. S. quoted from the documents several cases in which facts had been called for by Congress from the Secretary of the Treasury; particularly a resolution adopted on motion of Mr. Eppes, calling on the Secretary of the Treasury for the plan of a tariff, which was adopted, and resulted in the tariff of 1816.

The question was then taken on the amendment, and decided as follows:

YEAS.—Messrs. Benton, Black, Brown, Dallas, Forsyth, Grundy, Hill, Kane, King, Mangum, Miller, Rives, Robinson, Smith, Tipton, White, Wilkins.—17.

NAYS.—Messrs. Bell, Bibb, Buckner, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Moore, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster.—25.

So the amendment was rejected.

Mr. KING then observed, that he did not rise for the purpose of entering into any discussion on the merits of the resolution, but to express a wish that it might be made to speak the truth. He called the attention of the Senate to this fact, that the annual report of the Secretary did not say that a reduction of duties to the amount of six millions could be made on the protected articles; and moved to amend the resolution by striking out the words "as expressed in his (the Secretary's) annual report."

Mr. POINDEXTER rose and read from the annual report of the Secretary of the Treasury, that part which says that a reduction of duties to the amount of six millions could advantageously be made for the most part on articles commonly denominated the protected articles. Mr. P. said that the words objected to by the Senator from Alabama were inserted for the purpose of calling the attention of the Secretary to the language of his report, and should, therefore, most properly be retained.

Mr. FOOT said, that the very words objected to by the Senator from Alabama should be retained, in order to convey to the Secretary a correct idea of the meaning of the Senate in passing the resolution.

Mr. BIBB suggested to the Senator from Mississippi, the propriety of inserting in the resolution the words "for the most part," so as to use more exactly the language of the Secretary in his annual report.

Mr. POINDEXTER would simply remark that, in adopting the resolution as it then stood, the Senate would refer the Secretary to his own language in general terms. This, he thought, was all that was necessary.

The question was then taken on Mr. KING'S motion to strike out, and it was lost by the following vote:

YEAS.—Messrs. Benton, Black, Brown, Dallas, Dudley, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Rives, Robinson, Smith, Tipton, White, Wilkins.—18.

NAYS.—Messrs. Bell, Bibb, Buckner, Calhoun, Chambers, Clay, Clayton, Dickerson, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Webster.—26.

Mr. BIBB then moved to amend the resolution, by inserting the words "for the most part," using the language of the Secretary of the Treasury; which motion was adopted, Mr. POINDEXTER asserting and remarking that their insertion would not at all vary the meaning of the resolution.

The question then recurring on the resolution as amended.

Mr. MANGUM, in order to give time for absent Senators to be here, moved to lay the resolution on the table, which question was then taken, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Buckner, Calhoun, Dallas, Dickerson, Dudley, Ewing, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Kane, King, Mangum, Miller, Rives, Robinson, Ruggles, Smith, Tipton, White, Wilkins.—27.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Foot, Johnston, Knight, Moore, Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster.—18.

So the resolution was, for the present, laid on the table.

Adjourned to Monday.

MONDAY, JANUARY 7.

TARIFF DUTIES.

Mr. POINDEXTER moved the Senate to take up his resolution, calling for information as to the amount of duties; and asked for the yeas and nays on the motion.

Mr. HENDRICKS said he should vote against the motion, as he thought the subject had already consumed sufficient time.

Mr. DICKERSON said he should vote against the consideration, because the gentleman from Virginia [Mr. TYLER] had not yet returned.

The question was then taken, and decided in the negative, as follows:

YEAS.—Messrs. Clay, Clayton, Foot, Holmes, Johnston, Knight, Moore, Poindexter, Robbins, Seymour, Silsbee, Tomlinson, Waggaman.—13.

NAYS.—Messrs. Bell, Bibb, Benton, Black, Brown, Buckner, Calhoun, Chambers, Dallas, Dudley, Dickerson, Ewing, Frelinghuysen, Grundy, Hendricks, Hill, Kane, King, Mangum, Miller, Naudain, Prentiss, Rives, Robinson, Ruggles, Smith, Sprague, Tipton, Webster, White, Wilkins.—31.

So the motion to take up the said resolution was negatived.

PUBLIC LANDS.

The Senate then proceeded to the special order of the day, being Mr. CLAY's bill for appropriating the proceeds of the public lands for a limited term, &c.

The question being on the amendment reported by the Committee on Public Lands, which substitutes a new bill, reducing the price of public lands,

Mr. KANE, of Illinois, rose and said, that the principles and details of this bill had been so fully examined and developed at a previous session, that he could not consent to waste time by repeating the various arguments which had been urged with a perspicuity and force which he could not imitate. With other gentlemen from the new States, said Mr. K., I feel the great difficulties under which we labor in our attempts to oppose the passage of the bill. They are, indeed, of the most discouraging kind. The bill has once received the sanction of this body; a majority, after long and patient examination, have approved it. The opinion has not only been formed, but expressed, that it is a measure demanded by the general interest. Added to this, its provisions are of the most fascinating character. It appeals to the pride and interests of the States separately; to the avarice and self-love of the individuals composing those States. The report of the Committee on Manufactures accompanying the bill, concludes with the most imposing display which the experience of man could suggest: a statement in figures easily read, and readily comprehended, showing to each of the States the sum, in dollars, to be received under the beneficent purposes of the bill. How are such appeals to be resisted? Persons in the older states are told by the report, that if the land in the new States is reduced in price, their own possessions must fall in value. The cismontane States are warned of dangers to be apprehended from emigrations, and a frightful picture is presented to them of the decay of their relative strength and consequence in the Union.

Yet, Mr. President, the representatives from the new States, against such fearful odds, feel it their duty to try once again to avert the calamities which they sincerely believe this bill calculated to visit upon their constituents—once again to show the injustice of fixing the future condition of the younger portion of the confederacy with an exclusive view to the interests of the older.

Sir, we have heard much upon this floor with regard to a claim of right on the part of the new States to the land within their limits. This claim has been denounced in no measured terms, as grasping, with a sacrilegious hand, at property acquired for the common benefit, by the common blood and treasure of the nation. "Fearful alarms" have been sounded in the ears of our fellow-citizens, and strong prejudices have been infused into their bosoms on account of a claim so monstrous and daring. One would have supposed that a claim resting solely upon conventional and constitutional ground, could be asserted without reproach, discussed without alarm, and decided without bloodshed. It is a matter which refers itself only to the decision of a peaceful constitutional tribunal, where the scales of justice are influenced only by pure intentions and enlightened reason.

But it is no part of my intention to discuss this mooted abstract question. I wish neither to subject myself, unnecessarily, to the anathemas which have been so profusely heaped upon other gentlemen, nor to place myself in a condition to feel compelled to revisit these anathemas upon the motives or conduct of others. I go for the fact, and shall appeal to the candor of all who admit its truth, that the new States are not upon an "equal footing" with the old, with regard to their rights and liberties.

The old States are under no control except such as they have imposed upon themselves by their own constitutions of State Government, and except so far as they have delegated powers to the Federal Government, and amongst these delegated powers, is not one authorizing Congress to enter into compacts with them, by which State authority can be restricted, or by which federal power or influence can be increased. In such States, (as distinguished from other States) the Federal Government claims no right, nor does it possess the means of influencing, in the slightest degree, the progress of agriculture, or the growth of population: but such States, and the people thereof, themselves enjoy, and extend to others, the opportunity of enjoying all their natural advantages of soil and climate, without control on the part of any other people or government.

Any portion of the lands of proprietors in such States is liable to be taken for public uses in such modes as such States may prescribe. In such States Congress cannot regulate the price of real estate, nor can its value be regulated with any view to the interests or wishes of proprietors of lands in other States.

Now, sir, on the other hand, look at the comparative condition of the new States in these respects. The federal authorities, under the forms of compacts, have imposed upon them, at a time when their population was small, and when that population was subjected to all the disabilities of a Territorial Government, conditions depriving them of the most essential powers of useful and prosperous States. The proprietors of nineteen-twentieths of our soil cannot be taxed for any purpose of public convenience whatever; and let the public necessities be ever so urgent, not one foot of it can be appropriated for public use, at any equivalent designated by State authority. Not even a road can be opened through these vast extents of territory without subjecting our citizens to prosecution. If such things have been done, and no prosecutions instituted, our citizens are indebted to the mercy and forbearance of our overshadowing landlord; for we are bound not to interfere with the primary disposition of the soil.

The effect of this ownership of so large a portion of our territory under the restrictions imposed upon us, is still more serious in another point of view. Our destiny is in the hands of those whose interests are in essential points adverse to ours. This fact cannot be more satisfactorily established than by a reference to the report of the Committee on Manufactures.

This report declares: "The influence of the reduction of the price of public lands would probably be felt throughout the Union—certainly in all the Western States, and most in those which contain, or are nearest to, the public lands." Again: "There ought to be the most cogent and conclusive reasons for adopting a measure which might seriously impair the value of the property of the yeomanry of the country." And again: "The greatest emigration that is believed now to take place from any of the States, is from Ohio, Kentucky, and Tennessee. The effects of a material reduction in the price of the public lands would be, 1st, to lessen the value of real estate in those three States; 2d, to diminish their interest in the public domain as a common fund for the benefit of all the States; and, 3dly, to offer what would operate as a bounty to further emigration from those States, occasioning more and more lands, situated within them, to be thrown into market; thereby not only lessening the value of their lands, but draining them both of their population and currency." The plain English of this language is, that the price of lands within the new States ought not to be reduced, because the value of lands in other and older States will be thereby diminished, and because the people of the older States may find it their interest to remove from the old to the new States. And as the older States have the power in their hands, they should so use it as to advance themselves; and that our interests and prosperity are not only subordinate considerations, but that they are to be checked, if necessary, in order to preserve the ascendency of wealth and population in the older States. Under such circumstances, can the new States be upon an equal footing with that of the old? Our delightful and healthy climate is not to be visited, nor are our fertile lands to be cultivated, except upon terms which may accord with the pride and avarice of other States. The poor and the enterprising of the older States are to be chained to a sterile soil, to serve the ends of avarice, or the purposes of an ambition not chastened by a spirit of philanthropy. The designs of a beneficent Providence must be frustrated to keep up the price of the real estate of individuals, and the numerical consequence of the older States.

Shall we be told, in answer to these statements, that Congress have, and will continue, to act justly and liberally towards us. Gentlemen who repose themselves upon such an answer should consider that their opinions may not be impartially formed; that their sentiments and actions, in common with the rest of the human race, may be influenced by State pride, self-love, and personal interest. But our complaint is, Mr. President, that any Government or people whose interests are adverse to ours, should exercise the right of judging for us in these particulars, and not do the same thing with respect to the older States. As long as this state of things shall continue, the new are not upon a footing of equality with the older States.

Should any further excuse be demanded for renewing again this discussion, I refer to the message of the President of the United States at the commencement of the present session, which, upon a comprehensive view of the general substantial interests of the confederacy, has, for the first time on the part of any Executive Magistrate of this country, declared “It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are every where the basis of society and the true friends of liberty.” “It seems to me (says the President) to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they should be sold to settlers in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising under our Indian compacts.” A respectful regard for the opinions of the Chief Magistrate, presenting new views upon this interesting subject, should induce us to review our own, and to re-examine the foundations upon which our minds have been brought to different conclusions. Now, sir, what are the grounds upon which contrary doctrines are held? The report of the Committee on Manufactures, of the last session, will serve as the text book for this developement. The document takes up the subject of the lands from the commencement of the revolutionary war, exhibiting the right of this Government thereto, as derived from the cession of the several States of this Union, and from treaties concluded with foreign Powers, and, with regard to the first description, declares, “Thus, by the clear and positive terms of these acts of cession, was a great public national trust created and assumed by the General Government. It became solemnly bound to hold and administer the land ceded as a common fund, for the use and benefit of all the States, and for no other use or purpose whatever. To waste or misapply this fund, or to divert it from the common benefit for which it was conveyed, would be a violation of the trust. The General Government has no more power rightfully to cede the land thus acquired to one of the new States, without a fair equivalent, than it could retrocede them to the State or States from which they were originally obtained.” This report, especially when taken in connexion with explanations furnished by its author, [MR. CLAY,] urges that this fund is to be converted into money, after a mode which shall secure to it a perpetuity of at least five hundred years to come, and that it ought to be distributed amongst the several States. This course is, moreover, supposed to be just, because the revolutionary war “was waged with united means, with equal sacrifices, and at the common expense.”

It is to be remarked, Mr. President, that there is no proposition before the Senate to cede any of the public lands to the State in which they lie. The bill introduced by the honorable Senator from Kentucky, [MR. CLAY,] proposes to adhere to the present system of sales, keep the lands at the present price, and to distribute the proceeds amongst the several States, to be by them respectively applied, at their discretion, to education, internal improvement, or colonization of free persons of color. The amendment submitted by the Committee on the Public Lands proposes simply to reduce the price of lands, discriminating in favor of actual settlers; without at all disturbing the existing system of sales, but requiring the money arising therefrom to be paid into the federal treasury to be applied by Congress to the general interests of the whole country. Notwithstanding, sir, there is no such proposition before us for making cessions to the new States either presently or hereafter, yet I have looked into the history of the cessions from the old States for the purpose of ascertaining what were the real motives and inducements of the ceding States; whether it was any part of their intention to create this perpetual money fund for the purpose of distribution, and especially to discover whether it was possible that any of the old States demanded these cessions from any other motives than such as sprung from a patriotic determination to secure the independence of the country, and the consolidation of the Union.

During the revolution, and about the time of the adoption of the articles of confederation, some uneasiness was discovered on the part of some of the States, on account of the extensive claims of other States to waste and uncultivated lands, and as early as October, 1777, it was moved in Congress, “That in order to render the present Union and Confederacy firm and perpetual, it is essential that the limits of each respective territorial jurisdiction should be ascertained by the articles of confederation.” It was also on the same day moved, “That the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the Western boundary of such States as claim to the South Sea, and to dispose of all land beyond the boundary so ascertained for the benefit of the United States.” Again: It was at the same time further proposed, “That the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the Western boundary of such States as claim to the Mississippi, or South Sea, and lay out the land beyond the boundary so ascertained, into separate and independent States; from time to time, as the numbers and the circumstances of the people thereof may require.” These several propositions were voted down in the old Congress by decided majorities. The articles of confederation were agreed upon by the Congress, containing a proviso, “That no State shall be deprived of territory for the benefit of the United States,” and were submitted to the several States for ratification, and were eventually ratified by all the States. Four of these States, however, did endeavor to procure some modification of the provision I have just cited. Maryland proposed to insert after the provision these words: “The United States, in Congress assembled, shall have the power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundaries of such of the confederated States which claim to extend to the river Mississippi, or South Sea.”—In explanation of this proposition it was urged by Maryland, that States with “overgrown” possessions might be incited, by a superiority of wealth and strength, to oppress, by open force, their less wealthy and less powerful neighbors: that the relative importance of Maryland would be small, and that "its wealth and consequence in the scale of confederated States would sink of course." That State insisted "that a country unsettled at the commencement of the war, claimed by the British Crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parcelled out by Congress into free, convenient, and independent Governments." The State of New Jersey expressed her disappointment in finding no provision made in the confederation for empowering the Congress to dispose of the vacant and impatented lands, commonly called crown lands, for "defraying the expenses of the war," and complained that she would "be left to sink under an enormous debt," whilst others would be enabled, in a short time, to replace their expenditures from the hard earnings of the whole confederacy. Two other States, Rhode Island and Delaware, were also dissatisfied with the provision in the articles of confederation, with regard to vacant territory claimed by some of the States. The objections of all, however, were overruled, and the articles were ratified, without amendment, by the objecting States.

From all the examination I have been enabled to make into this branch of the subject, I have come to the conclusion that no one of the original States ever claimed to interfere with these lands, except upon the grounds that its own security and consequence required that its sister States should not be so extensive in their territory, as to be overshadowing, and that "crown lands" should form a fund to be appropriated towards the expenses of the war. I find it no where intimated that this fund should be perpetual, reaching through after ages, for the purpose of enriching the treasuries of the several States. I am sustained in this view of the subject by some positive testimony. The Legislature of the State of New York was the first, in point of time, to move in an attempt to reconcile the difficulties which had grown up on this subject. That Legislature must have understood, in their fullest extent, the objects and claims of the several States; and in the preamble to their act of cession, they say, "And whereas, the articles of confederation and perpetual union, recommended by the honorable Congress of the United States of America, have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory, within the limits or claims of certain States, ought to be appropriated as a common fund for the expenses of the war." Again, sir, Congress, with a view of removing the embarrassments respecting the Western country, recommended to the States a liberal surrender of a portion of their territorial claims, "since they cannot be preserved entire without endangering the stability of the general confederacy." Other States, in making cessions, use more general language, but to none does the idea seem to have been present, that these lands were to be used as a perpetual fund. The first great purpose was, to destroy the jealousy of the smaller States, on account of the extended territory of the larger, and a second object was to make some provision for aiding in defraying the expenses of the war. If I am correct in my interpretation of the objects of these cessions, and of the spirit of the compacts, it would seem that these lands, after the debt of the revolution was discharged, should have been permitted to follow the sovereignty of the States in which they are situated.

But, Sir, admitting, for the sake of argument, that an additional motive for these cessions was the formation of a money fund, to reach down through all time, for the "common benefit" of all the States; upon what principle is the right claimed to distribute the fund amongst the several States, for the purposes of education, internal improvement, or colonization? The report of the Committee on Manufactures repeatedly declares, that these lands are a common fund, for the common benefit of all the States. And yet the bill before you proposes to distribute it for the separate benefit of each of the States. If the acts of cession have made the fund a common one, it is common yet: for the constitution declares, that "all debts contracted and engagements entered into before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation."

Where, then, is the authority for this distribution to be found? shall we find it in the constitution? If these lands are an object of such magnitude to the interests of the nation as is represented, and it was intended to raise therefrom a perpetual revenue, it is singular that some more special provision is not found in the constitution with regard to them. The power of Congress over them is not found in that general list of powers conferred upon that body by that instrument: but we find the only clause in reference to the lands attached to the third section, upon the subject of the admission of new States into the Union; that clause is: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." Is it pretended that, by this language, an authority is conferred upon Congress to apply the money accruing from such disposition in any mode not specially pointed out by the constitution, or that this money is not as much a part of the general revenue as that derived from imposts? Where, then, I ask again, do you find the right of dividing the money amongst the States, for their separate benefit? This bill not only proposes to divide the money amongst the States, but authorizes the States, at their election and at their discretion, to apply it to any object which can be classified under the general heads of education, internal improvement, or colonization. I have always understood, Mr. President, the received opinion to be, that the people and States of this Union selected their members of Congress requiring of them the exercise of their best judgments in carrying into effect the powers conferred upon them by the constitution. But now it seems, sir, that Congress are to select twenty-four deputies, or agents, whose business it will be to relieve that body from the trouble of thinking and acting upon the subject of expending the public money. The bill does not even confine these agents in selecting objects of expenditure to such as are for the general benefit. I have been always in favor of a well-regulated system of internal improvements, but never felt justified in expending public money upon any object which was not, in my judgment, of general importance to the whole country; but in voting for this bill, I am not required to be satisfied of the general importance of the object; indeed, I am not required to know any thing about the object, for I am to transfer my discretion to an agent, who will take all such trouble off my hands. Can it be possible, Mr. President, that Congress can constitutionally delegate the high power of appropriating money from the national treasury, and of applying it to constitutional purposes, to any agent whatever?

The States, if they choose, may, under this bill, apply their share of this money to the colonization of free persons of color. As to the condition of this class of our population, I trust I feel as an individual citizen possessing ordinary feelings of humanity should feel; but surely, the State I represent, as a community, can have little interest in this matter; and under what particular clause of the constitution this application of the common funds can be justified, I leave for those who support the bill to point out. Surely the compacts between this Government and the ceding States contemplated no such proceeding. Is it believed that either Virginia, North or South Carolina, or Georgia, had colonization in view, when they made the cessions? Nay, sir; is it not known, as far as such a thing can be known, that if either of those States had understood that the lands ceded were to be thus appropriated by the Federal Government, the cessions would not have been made by them? There is one feature in this bill so objectionable, that it is difficult to account for its introduction. I speak of that part of it which authorizes the States to apply this money to the redemption of any existing debt contracted for internal improvements. In the first place, let me inquire whether any Senator claims to know the kind of improvements made in each of the States, and the debts thereby created? Are we prepared to say that no State has improved injudiciously, or at an extravagant cost? If works of improvement have been commenced or completed by the States, which have proved worthless, is the "common benefit" consulted by paying for them? It appears to me, that Congress should at least so dispose of a fund termed sacred by the Committee on Manufactures, as not to throw it away in paying debts for works which have not benefited any body. This "national trust" is not in good faith discharged by throwing the money into the ocean, nor by applying it to objects of the character of which we are profoundly ignorant.

Upon the whole, Mr. President, I am opposed to the bill, as hostile to the interests of the new States, as calculated to perpetuate a feeling in the other States adverse to our advancement in population, and our progress in agriculture, as in effect partitioning three-fourths of our territory amongst other sovereign States, giving to each a separate and immediate interest in the proceeds of the lands, and thereby forever precluding the hope of lessening the price of lands to actual settlers. I object to its passage, because it violates the obligations of solemn compacts, and the constitution of the United States.

A few words, sir, upon the amendment reported by the Committee on the Public Lands.

This amendment proposes to reduce the price of lands which have already been offered for sale, and which remain unsold, from one dollar and a quarter to one dollar. It further proposes to permit any person, from any part of the United States, or from any part of the world, who is disposed to settle and cultivate land, to purchase a quarter section, and no more, by paying down half a dollar in cash per acre, provided that he shall reside on and cultivate the same for five consecutive years.

I will not detain you by repeating what I have heretofore said upon the expediency of this proposition. The bill, sir, of the honorable Senator from Kentucky, [Mr. CLAY,] preserves the present system of sales and lands at their present price, and requires the proceeds to be paid into the treasury for the purpose of after distribution. The amendment adheres to the existing system, reducing the price, and requires the proceeds to be paid into the general treasury, to be applied by Congress to the general good, under the solemn obligations imposed upon that body by the constitution. The single alternative presented by the bill and the proposed amendment is, will you have distribution amongst the States, or a reduction in price of a portion of the public lands?

I cannot conclude without pressing upon your attention one further consideration. The new States are not now represented in Congress according to their present population. Is it requiring too much to ask a delay in the decision of this all-important question, until our augmented representation under the late census can be heard? If this bill must pass, let it at least be done with this appearance of justice.

Mr. CLAY rose and said, that he had a few observations to make to the Senate before the question was taken. The Senator from Illinois had, in the commencement of his remarks, told the Senate that it was not necessary to occupy their attention long, and he (Mr. C.) concurred in a similar declaration on his part. The bill had undergone an ample discussion at the last session; there had been but a slight change since that time in the construction of this body; and it would be unnecessary again to go over the whole ground of argument which had once and so recently been employed. The bill which he had introduced at the present session, and which had been sent to the Committee on Public Lands, was identically the bill which had already once passed this body; and the grounds being the same, it would not be necessary to consume much time in the observations he felt himself called upon to make. He would, however, avail himself of the opportunity to offer a few general observations, with a view to a comparison of the bill which he had introduced, with the amendment of the Committee on Public Lands.

In the first place, he would describe the bill which he had brought forward.

By this bill it was proposed to set apart, for the benefit of the new States, twelve and a half per cent. out of the aggregate proceeds, in addition to the five per cent. which was now allowed to them by compact, before any division took place among the States generally. It was thus proposed to assign, in the first place, seventeen and a half per cent. to the new States, and then to divide the whole of the residue among the twenty-four States. And, in order to do away any inequality among the new States, grants are specifically made by the bill to those which had not received, heretofore, as much land as the rest of the new States, from the General Government, so as to put all the new States on an equal footing. This twelve and a half per cent. to the new States, to be at their disposal, for either education or internal improvement, and the residue to be at the disposition of the States, subject to no other limitation than this, that it shall be at their option to apply the amount received either to the purposes of education, or the colonization of free people of color, or for internal improvements, or in debts which may have been contracted for internal improvements. And with respect to the duration of this scheme of distribution proposed by the bill, it is limited to five years, unless hostilities shall occur between the United States and any foreign Power; in which event the proceeds are to be applied to the carrying on such war with vigor and effect against any common enemy with whom we may be brought in contact. After the conclusion of peace, and after the discharge of the debt created by any such war, the aggregate funds to return to that peaceful destination to which it was the intention of the bill that they should now be directed, that is, to the improvement of the moral and physical condition of the country, and the promotion of the public happiness and prosperity.

Such are the general features of the bill which was reported by the Committee on Manufactures, under circumstances to which he would not now advert, at the last session, and was passed; and which was introduced by him again at the present session, had been referred to the Committee on Public Lands, and reported by that committee, with the amendment now under consideration.

The first remark which seemed to him to be called for in reference to this subject, was as to the expediency, he would say the necessity, of its immediate settlement. On this point he was happy to believe that there was a unanimous concurrence of opinion in that body. However they might differ as to the terms on which the distribution of these lands should be made, they all agreed that it was a question which ought to be promptly and finally, he hoped amicably, adjusted. No time more favorable than the present moment could be selected for the settlement of this question. The last session was much less favorable for the accomplishment of this object; and the reasons were sufficiently obvious, without any waste of time in their specification. If the question were not now settled, but if it were to be made the subject of an annual discussion, mixing itself up with all the measures of legislation, it would be felt in its influence upon all, would produce great dissensions both in and out of the House, and affect extensively all the great and important objects which might be before that body. They had had in the several States some experience on that subject; and, without going into any details on the subject, he would merely state, that it was known that for a long period the small amount of the public domain possessed by some of the States, in comparison with the quantity possessed by the General Government, had been a cause of great agitation in the public mind, and had greatly influenced the course of legislation. Persons coming from the quarter of the State in which the public land was situated, united in sympathy and interest, constituted always a body who acted together, to promote their common object, either by donations to settlers, or reduction in the price of the public lands, or the relief of those who are debtors for the public domain; and were always ready, as men always will be, to second all those measures which look towards the accomplishment of the main object which they have in view. So, if this question were not now settled, it would be a source of inexpressible difficulty hereafter, influencing all the great interests of the country in Congress, affecting great events without, and perhaps adding another to those unhappy causes of division which unfortunately exist at this moment.

He was very happy to find, in the message of the President, some reference made to the subject of the public lands; and especially an expression of the opinion that it was time this question should be put to rest. He was also glad to see it asserted, from the same high authority, that Congress had a full and uncontrolled power over the subject, to dispose of these lands or their proceeds, for the common benefit of the whole country, according to its sound discretion.

Next to the settlement of this great question, it was undoubtedly of the first importance that it should be equitably settled, so as to comprehend the interests of all, and to show that those interests have not been lost sight of by the General Government. And, he would ask, could any mode of settling the question, so as to consult and protect the interests of all, be offered, which would be more worthy of the acceptance of Congress than that which was proposed by the bill of the last session, which had been sent to the Committee on Public Lands? In determining upon the merits of that bill, it would be necessary, in the course of the few remarks which he should feel himself called upon to make, to contrast it with the bill which had been reported by the Committee on Public Lands, and to make some observations on the argument in which the Senator from Illinois had advocated that plan, in order to induce the Senate to take it in preference to the bill which had already once received their sanction.

In the first place, the gentleman from Illinois contended that the whole of the public lands were ceded to the General Government for the purpose of paying the debt incurred in the prosecution of the revolutionary war; that this debt had now been paid; and that, as the land had performed its office, it ought to be set free from further claim on the part of the General Government, and to follow the sovereignty of the different States in which they are located. And the gentleman from Illinois, in order to enforce his argument to the Senate, appealed to the message of the President to show that such also was the view taken of the subject by the Executive. Now he (Mr. CLAY) felt himself constrained to say that both the President and the gentleman from Illinois had taken much too limited a view of the subject. All that portion of the public lands which lies beyond the river Mississippi, and below the State of Mississippi, and all Florida—were they thus conditionally ceded? Were they ceded to the General Government for the purpose of paying the revolutionary debt? No; they were purchased by the common treasure of the whole United States. But, supposing that the proposition of the gentleman from Illinois were conceded; that the debt being paid, the mortgage lifted, these lands ought to be applied to promote the interests of the new States alone in which they are located. Was this a true history? Did the lands which were ceded by the several States pay the debt of the revolution? What was the debt of the revolution? That debt amounted, principal and interest, to not less than four hundred or four hundred and fifty millions of dollars; and the whole of the public lands which had been sold had only produced about forty millions. The lands, then, had not paid the debt of the revolution. They had not performed their office. The debt had been paid by the pockets of the people, and not by the public lands; and, to perform their office, the lands must repay that debt to the people. He (Mr. C.) would have no objection to adopt the principle of the gentleman from Illinois, that the lands should be applied to the payment of that debt, so long as any of it remained unpaid; and, afterwards, to the reimbursement of the pockets of the people of the money drawn from them, by taxes, to make up the deficiency of the public lands. If the honorable gentleman would apply his own principle, he (Mr. C.) would be satisfied. If he had mortgaged his estate, and the mortgage was lifted by a friend, he was bound to reimburse that friend. So, if the debt of the revolution, which the public lands are pledged to pay, was paid by the people, they ought to receive back from the lands both the principal and interest. If the gentleman would bring forward a proposition to pay all the revolutionary debt out of the public lands situated on this side of the Mississippi, and to reimburse the people to the amount which had been taken from their pockets, he (Mr. C.) would vote for the proposition; but that was substantially the object of the bill which he had introduced. The only difference was, that, instead of keeping an account which would be complex in its character, and almost impracticable, a simple form was adopted in the bill, by providing for the division of the funds among the people of the United States, upon the most equitable of all principles—that of federal representation. With respect to that largest portion of the public domain which was acquired by treaties, it could not be contended that it was incumbent on the Government to appropriate any part of that to the payment of the debt of the revolution.

The gentleman from Illinois had said that the scheme which he (Mr. C.) had presented was extremely fascinating, addressing itself powerfully to the States, and to every individual in the States. And was not the scheme of the honorable Senator also fascinating? Did it not address itself powerfully to those who occupy the public domain in the new States? The difference between us is this: He would, from that which was made by the deeds of cession, and the treaties of acquisition, the common property of all, take what remains, and appropriate it for the exclusive benefit of a few; he would take the property of the twenty-four States, and appropriate it for the benefit of the seven new States, and of such as may hereafter become members of the Union. This, said Mr. C., is a plan of broad, liberal, and comprehensive justice; while his is a narrow, partial, and unjust scheme of appropriation, looking to the interests only of a part, and that, although a highly respectable, an inconsiderable part of the whole.

But it was said by the gentleman, that the new States were not on an equality with the old States; that they could exercise no authority over the public domain; that they could not take it for state purposes; that they had not the power of taxing it; and, in short, enjoyed no benefit from it whatever. Now he (Mr. C.) took it, that the property of the United States, every where, was beyond the control of the States in which it was situated.

Had Pennsylvania any control over the mint or the arsenal, over any part of her territory which she had ceded to the United States, over the public ships, or over public property of any description within her limits? Had any State any control over the property of the United States? The difference, every where, was merely one of extent of national property, and this difference existed among the new States, as well as between them and the old. Ohio had only five millions of acres, for example, of public lands within her limits; while Missouri had thirty-eight millions. According to the doctrine of the gentleman, they ought to have the right of control over this property, in order to place them on an equality. The inequality of Ohio and Missouri, as to the extent of lands, was as five to thirty-eight; while, as to population, the inequality stood as one million to one hundred and fifty thousand, for Ohio, and against Missouri; the smaller number having, under this principle, the control over the greater extent of the public domain. That which belongs to the General Government is not subject to State legislation. There were some States in which the United States held no property. In Kentucky there was no United States' property; while in the maritime States there is much of this property, which is beyond the control of the States. The gentleman from Illinois, therefore, could derive no strength to his argument from his ground as to the extent of the public domain. It should be recollected that the time was coming, as it had almost already come in the State of Ohio, when the public domain will be disposed of, and then there will be a perfect equality, as indeed there is now, between the States, in their rights and powers over whatever may be in their respective limits.

The gentleman from Illinois had asked, but without dwelling much upon the point, where was the power to make this division? He (Mr. C.) would refer him to an authority which, he believed, the honorable Senator would be the last member on that floor to controvert or depreciate—the authority of the President. He would also refer him to the deeds of cession; to the acts of Congress; to the understanding of all men; but especially he would refer him to his own amendment, and the report of the Committee on the Public Lands. What! had they a right to give away the public lands by a partial and unjust distribution, and none to establish a broad and comprehensive scale of appropriation, doing justice to all portions of the United States? But he would not dwell on this part of the subject, which had been fully discussed during the last session.

He would now beg leave to call the attention of Senators to what was the present condition of the new States, what would be the effect of the operation of this bill upon them, and what would be the subsequent advantages which they would derive from its passage.

What was the complaint of the new States at present? It was that a vast amount of their money was drawn from their limits, to be expended in other portions of the Union, to their impoverishment and ruin. Continue the present system, and the evil is perpetuated. The money of the West will still flow into the Eastern States, and still be expended there. But what would be the condition of the new States, if the bill which had been stricken out by the committee were to pass? They would, in the first place, receive 17½ per cent. of the amount of the proceeds of the sales of the lands, This 17½ per cent. was probably equal to the amount annually paid by the resident population of the new States themselves, exclusive of what is paid by emigrants going into the new States. He derived this inference from a letter which was laid before the Senate at the last session, from which it appeared that the thirteen States of the Union, in which there are no public lands, had increased only 17½ per cent. within the ten years from 1820 to 1830. If you give 17½ per cent. to the new States, before you divide the proceeds, it would be a proportion quite as great as the increase of their population, if it were not augmented by emigration. Or, if there was no tide of emigration to the new States, and migrations from them similar to those which take place in other States, the amount which the people of the new States would expend in the purchase of the public lands would not probably be equal to more than the 17½ per cent. If, therefore, you give them 17½ per cent. before you give any thing to the other States, all complaints on the score of the drain of money on public account must be put an end to.

But this is not all. You not only give this 17½ per cent., but after assigning this particular amount to their exclusive benefit, you then divide the residue of the proceeds among the whole of the twenty-four States, including those which have already received the 17½ per cent. This additional dividend is about 16 or 17 per cent. more. Thus there would be a total amount payable to the new States equal to near one-third of the entire aggregate derived from all the public lands of the United States, wherever situated. About one-sixth of the population of the United States, which the new States contain, would receive near one-third of the whole amount of the proceeds of the public lands. Now, if this was done, would not the condition of these new States be greatly bettered?

If the bill should pass, and the new States should thus acquire the amount to which they would be entitled according to its provisions, they would not merely obtain the 17½ per cent., and, by a participation in the residue of the fund, some indemnity for pecuniary contributions made by them to the General Government, but they would still enjoy their present proportion of the expenditures of the General Government within their limits. There would still be large expenditures in the event of war, as was the case during the last year; and there would still be the annual disbursements to Indian agents, and on Indian annuities, &c. All these would continue.

The gentleman from Illinois spoke of the new States as if he expressed the sentiments of all of them, and as if their wants and wishes were only known to him, and his construction of them was the only one deserving of respect. Now, at the last session, when this bill was passed, the Senators from the seven new States were equally divided on this subject. There were, if he mistook not, two from Ohio, two from Indiana, two from Louisiana, making six, and one from Mississippi, making exactly half of the representation in that body of the seven new States. Regarding the subject in the light in which he did, that there would be, if things remained as they now are, no reflux of the money of the West drawn from it by the Federal Government, and that large and liberal grants of money were made to the new States by the provisions of this bill, it ought to be satisfactory to the most ambitious Western heart. The Senate would recollect that, according to a table presented at the last session, the new States had increased at the rate of 85 per cent. during the ten years from 1820 to 1830, and that the State of Illinois, during the same period, had increased at the rate of 185 per cent.; while many of the old States had increased only at the rate of 25 per cent. The average increase of 13, having no public lands, was only about 17½ per cent,; while some had scarcely any increase at all. The settlement of the new States is already sufficiently rapid, and any fresh impetus given to it would only be productive of mischief.

A struggle always takes place at first among the new settlers as to preponderance, and this struggle is in proportion to numbers, and the variety of the places of their origin. It requires some time before the new settlers can become acquainted with each other, the laws, customs, and habits, religious and political, of the respective States and countries from which they emigrated. It sometimes happens that the most opprobrious epithets are interchanged, until they become well acquainted with each other, perceive the good which each bring to the general stock, and, becoming reconciled to their condition, proceed harmoniously in advancing their new settlements in the wilderness. If emigration were more rapid, there would be still more of this spirit of discord; and all must agree that an increase in the ratio of 85 per cent. ought to be sufficient to satisfy the wishes and ambition of any man. All that is wanted is money, assistance, aid from some quarter or other, in making roads, providing for education, promoting the general improvements, and turning to advantage all those blessings which abound in those States, and which are designed for the prosperity of society. He must repeat, that a comparison of the condition of those States, under the operation of this bill, and without its advantages, ought to enlist in favor of the bill every mind which was not prejudiced by other objects, and which was not looking too intently at the possibility of grasping, in some form or other, all the public domain.

It must be clear to every unbiassed and impartial mind, that it was better to accede to the arrangements of this bill, than to remain in their present condition, with the mere possibility of getting something more at a future day. If the views of gentlemen who supported the amendment could even be admitted, was it likely that future harmony would be the result? Other new States would spring up beyond the Mississippi; and as they successively arose, following the example of the new States of this period, would lay claim to all the public lands within their limits.

This consideration should induce the new States to feel an interest in the passing of this bill. Those new States beyond the Mississippi never would, never ought, never could, agree to an exclusive appropriation of these lands. They constitute a common fund, purchased by the common blood and treasure, and are the common property of all. It was the duty of Congress so to regard it. It resulted from the treaties of acquisition, and was declared by the deeds of cession to be for the common benefit of all; and he would venture to say that the day will never come when Congress, for the sake of partial benefits to a comparatively small and inconsiderable portion of the people, will abandon this exhaustless source of public income. Kentucky included no part of the public domain, and enjoyed very few of those advantages which flow from the disbursements of the General Government. Her benefit in the common concern was chiefly indirect, consisting in beholding the prosperity of the whole, and the security of all from the Union. But, if this bill passed, she would participate in the more direct advantages of the common Government.

As an original part of that State which made such a vast cession to the Federal Government, he, in her behalf, entered his solemn protest against any violation of the terms of that munificent grant, by which Kentucky shall be stripped of what belongs to her in common with Virginia and the other members of the confederacy.

As it respects the new States themselves, he could not but think that, if they would dispassionately examine the project under consideration, they would find that it possessed the strongest recommendation to their acceptance. And he would repeat the assurance to them of his settled conviction, that, if they deceived themselves by the hope of obtaining the whole of the public domain, and refuse what was now offered, they would have just occasion hereafter to reproach themselves; or, if not, they would be reproached by their posterity, for throwing away the practical blessings within their reach, in order to obtain an object which he solemnly believed would never be accomplished. He would now call the attention of the Senate to the provisions of this bill, and their equitable character, as it respects the whole of the common Union. Having already shown that the fund itself was derived from the common blood and common treasure of the country, he would ask if it ought not still to be held for the common benefit? The country enjoys, he was willing to admit, unexampled prosperity. But did we hope that we should exist as a nation for centuries to come? Did we hope that our Union would last as long as the republics of antiquity, if not much longer? And are we, on the strength of such expectations, to make a wasteful disposition of the rich patrimony which has been bequeathed to us? Are we always to be free from wars, and troubles, and difficulties? What nation had always been exempt from them? Look at Europe, from which we sprang. It had enjoyed, he believed, at this time, one of the longest intervals of peace which had been experienced for several centuries. It was only seventeen years and a half since the battle of Waterloo was fought, which terminated the wars of the French revolution, and we now see the whole of Europe apparently on the eve of a general war. And do we expect to be forever at peace? never to want money again? never to be in debt? but to be free from all embarrassments and debts hereafter? No thinking man could indulge these chimerical ideas, these vain speculations. What, then, was it our duty to do? Now was the time, above all others, when we should nurse and take care of our resources. What nation of antiquity, what nation of modern times, has ever possessed such vast resources as the immense public domain, the capacious womb of unborn republics? He had had occasion to remark, either in his observations last session, or in the report of the Committee on Manufactures, that five hundred years hence, if we discharged our duty, and took care of this important interest, they who will come after us may be legislating in this very Hall, which he hoped would then be standing, as it would stand, upon this great and absorbing subject of the public domain. He recollected, during the late war, when the distress of the country was at its height, when we wanted money, wanted credit, when our arms were paralyzed for want of the necessary means for sustaining the war—he recollected how it then gladdened every patriotic heart, when the exhaustless nature of this immense national resource was eloquently depicted by a member of the other House; enough, not only for that, but for fifty or a hundred other wars, should we unfortunately become involved in them. But now we are out of debt, and it would seem that we are never again to be in debt; that we are out of difficulty, and never again to be in difficulty: and a hundred schemes are suggested to dispose of these lands, because of our unbounded prosperity; as if we could not too soon get rid of the fund. Happier would it be for us, and happier too for posterity, should we be wise enough to husband well this resource. He trusted the Senate would not be deceived by these vain projects. It was said that there is some discontent in the West; and how was it proposed to allay this discontent?

He denied the fact, however; there never had been any general discontent on the subject of the public lands; there was nothing like discontent there. It was true, that some gentlemen, in various States of the West, had held out to the people of that quarter of the Union alluring projects of the aggrandizement of their own States, by setting up a claim to the lands within their limits; and it was very likely that some of the people may have indulged a dream that something like these projects might one day be realized: but there was nothing like discontent with the great body of the people on the subject of the public lands. But if there were discontent, what would be the proper course to pursue? We ought to examine calmly into the causes, to endeavor in a parental manner to investigate the extent of the disaffection. Should it appear to be well founded, it would be our duty to endeavor to alleviate it as far as possible. But if there was no foundation for it; if you discovered that it was merely one portion of the Union demanding that which belonged to the whole; if there was no just ground for complaint, would you, to gratify this murmuring portion of the Union, give to it that which was the property of all? Would you behave like the weak and foolish parent, who, seeing one child crying for the bauble which another possessed, would unjustly take it away from the possessor, and, by giving it to the other, set the one who had been bereaved crying also? Would you allay discontent, if discontent existed in a new State, by raising a more formidable and greater discontent in the other States? And would you not do this, if you adopted the partial, narrow scheme of distribution which was proposed by the substitute of the Committee on Public Lands? Beware, Mr. President, on this, as on other great subjects of contention, that you do not shift the theatre of discontent.

It becomes us to take care that we do not raise a storm full of menace, not only to the integrity of the Union, but to every great interest of the country. He could not conceive a more happy disposition of the proceeds of the public lands, than that which was provided by this bill. It was supposed that five years would be neither too long nor too short a period for a fair experiment. In case a war should break out, we may withdraw from its peaceful destination a sum of from two and a half to three and a half millions of dollars per annum, and apply it to a vigorous prosecution of the war—a sum which would pay the interest on sixty millions of dollars, which might be required to sustain the war, and a sum which is constantly and progressively increasing. It proposes, now that the General Government has no use for the money, now that the surplus treasure is really a source of vexatious embarrassment to us, and gives rise to a succession of projects, to supply for a short time a fund to the States which want our assistance, to advance to them that which we do not want, and which they will apply to great beneficial national purposes; and, should war take place, to divert it to the vigorous support of the war; and, when it ceases, to apply it again to its peaceful purposes. And thus we may grow, from time to time, with a fund which will endure for centuries, and which will augment with the growth of the nation aiding the States in seasons of peace, and sustaining the General Government in periods of war.

The bill proposes to nurse and preserve this fund, to apply it when wanted to the purposes of the General Government; and when its application is made to the States, what are the objects? The honorable Senator complains about colonization; and asks what interest Illinois has in it? He (Mr. C.) was somewhat surprised at the question. He supposed every part of the Union was interested in the humane object of colonizing the free blacks. He supposed that if any part were exempt from the evils of a mixed population, it would still not be indifferent to the prosperity of less favored portions. The darkest spot in the map of our country is undoubtedly the condition of the African race. And every benevolent and patriotic mind must hope that at some distant day it will be effaced. Colonization has opened the only practicable scheme which, by draining first the country of free blacks, and then, either by the authority of the States, or by individual emancipation of those now held in slavery, holds out a hope of the ultimate deliverance of our country from this great evil. Suppose that, fifty or a hundred years hence, the country could be entirely rid of this African race; would the gentleman from Illinois—would any gentleman—say that he should be indifferent to such an auspicious result? In his judgment, if the people of the United States were ready to unite heartily in any practical scheme, if there could be one devised, by which this country could be delivered from all portions of the African race amongst us, both free and bond, it would be the happiest of all events for the Union. But why did the gentleman from Illinois restrict his view to this single point? The bill did not confine the States to colonization. What was the bill? It presented three great objects for the consideration of the States, out of which they were at liberty freely to select. It proposed colonization, education, and internal improvement, in the reimbursement of such debts as may have been incurred for internal improvements in the States. The gentleman objects to this latter clause. But, Mr. C. would ask, why those States which have gone ahead in the cause of internal improvement, Pennsylvania, New York, and Ohio, should not be allowed to rid themselves of the debts which they may have contracted? If they had outstripped the other States, why should they be required to remain under burdensome debts, and engage in new objects, perhaps not wanted.

With regard to education and internal improvement, these are objects in which all parts of the Union are interested. Education and internal improvement in any part of the Union are objects which affect, more or less, the interests of all other parts of the Union. There was a restriction upon the States. They were not left without limitation. The fund was directed according to the views of Congress, and the States were not left unrestricted as to its application. They were required to apply it to one of three great objects, in which all parties were interested, as objects of national importance.

Thus it had been shown that, according to the plan of the bill, the fund was to be applied, in times of peace, for the benefit of the States which may stand in instant need of the means which the General Government does not want, for the improvement of their moral and physical condition; and in war, the fund was to be resumed, and applied to the general objects of the war. Thus, it was to be applied, in peace or war, and, according to the provision in the various acts of cession, the great object of the common benefit of all the States would be kept in view. This ample resource would be preserved for all the vicissitudes to which this nation may be exposed; and we should be enabled, if free from war for twenty or thirty years, to acomplish most of the great objects of internal improvement, in the completion of which the country feels an interest, should the States determine so to apply it.

But there was another and the greatest object of all connected with the passage of this bill, to which, in conclusion of this part of the subject, he was desirous to refer. He alluded to the effect of this measure on the durability of our Union. He hoped he should not be mistaken when he made the suggestion, that, above all former periods in this country, this was the moment when it was most imperative upon every American statesman to bend all the efforts of his mind to the infusion of new vigor into the Union. It was a melancholy fact, that in all parts of the country the sentiment of union appeared to have been greatly weakened. It was a melancholy fact that there was every where springing up, daily and hourly, an apprehension of insecurity, a fear that our republic cannot last, that it is destined to premature dissolution. He did not speak of one part of the Union, but of all parts. This was a policy which unhappily prevailed. Whatever course could restore confidence, produce harmony, create a new attachment to the Union in all its parts, and which could prevent the greatest calamity that could befal this people, ought to receive the favorable attention of the Legislature. He would ask if there was any project conceivable by man which was better calculated to strengthen the Union than the bill which was now on the table? What was it? It proposed that a sum amounting to about three millions of dollars, and annually increasing, which, twenty years hence may be six millons, and forty years hence twelve millions, the source from which the fund is drawn being specifically ceded or acquired for the benefit of the whole Union, shall be annually and parentally distributed by this Government through the whole confederacy, amongst all parts of it, for the purpose of improving the moral and physical condition of the whole. Let this project go into operation: let all the States be satisfied that it will last as long as the fund from which it is to be distributed, as long as the almost exhaustless public domain shall continue, and we shall cement this Union by the strongest of ties for five hundred years to come. What State will then be disposed to go out of the confederacy, and sacrifice the great advantages administered by this Government? What State in the Union will be disposed to give up the advantage of this annual dividend, with all the rich fruits which are to result from the improved moral and physical condition of its people, and go forth in its forlorn, weak, and destitute condition, an outcast without hope, the scorn of its neighbors, an object of contempt with foreign powers, and exposed to the insults of the meanest of them, and even to the aggressions of lawless pirates? Pass this bill, and satisfy the States of this confederacy that this fund, which is constantly increasing, is to be applied forever, in time of peace, to them, for the great objects which are specified, and, in time of war, to free them from that taxation which would be incident to a state of war—my life (said Mr. C.) on the sufficiency of the security which this would present for the continuance of the Union. No section, no State, will be found so lost to its own interest, as to be induced to cut itself loose, and to abandon its participation forever in this rich and growing resource.

One or two words on the question immediately before the Senate, and he would conclude. That question was to substitute a new proposition, by adopting the amendment proposed by the Committee on the Public Lands, in lieu of the other bill. And what was this new project? It was at one stroke to cut down three-fifths of the revenue derived from the public lands. The minimum price of these lands is now $1 25 per acre, and it is proposed to reduce it to fifty cents per acre, on all the lands which remain unsold at public auction. It thus proposes, by a single provision, to take three-fifths from this fund; and what does it propose to do afterwards?

[Here Mr. C. read a clause from the bill of the committee.]

Now this was not a project for the poor. No such thing. Any man, without any regard to the amount of his wealth, or his condition, may settle down on the lands, and acquire a right to them by five years' cultivation; but he has to settle upon the lands. By the proclamation issued by the King of Great Britain in the year 1763, and afterwards by the Royal Colonial Governments, and by several of the States which subsequently became independent, this condition of cultivation has been required to perfect the title to waste land; and yet, invariably, as far as his knowledge went, this provision had been dispensed with, or been considered a mere nullity. There were various kinds of settlements formerly required by Virginia.

[Here Mr. C. specified the various conditions, but was not distinctly heard.]

She required that the individual should settle on the land. Now, what did they do? They went on the lands, and put up a small cabin, somewhat resembling those which are set up in Kentucky as traps to catch wild turkeys, and this was considered an improvement! Well, with regard to the cultivation of the soil; sometimes they turned up the earth and planted a few hills of corn; and this was considered cultivation. The settlers gained their object, and there was no attempt to exact a too rigid observance of the conditions. No one sat down upon his property with a view to make it his permanent residence. Now, at this moment, old James Masterton, who lives near Lexington, and is eighty years old, excepted, he did not recollect a single individual, or the descendants of any individual, who had remained on the lands which they had originally settled. The settlers acquired their lands, made their entries, and then disposed of them for bear skins, rifles, or any other marketable commodity.

With regard to the settlement and the cultivation of the soil, in the project of the committee, there is no specification of any improvement required; there is no condition for the cultivation of any specific quantity, nor in any defined mode. What does the amendment propose? It allows any man, whether rich or poor, to acquire the right of settling the land, by paying fifty cents an acre. Here is a man who will send one son, or substitute, to set up a cabin and cultivate half an acre on one side of his farm; another, who may set out his potatoes, or plant some corn, and raise a few pumpkins on the other side, and so on, to acquire their patents; and they will afterwards find their way into the market, and be sold as cheap as military patents have been sold at the brokers' on Pennsylvania Avenue.

How many of the soldiers, during the late war, are now to be found residing on their lands? All their patents were disposed of for a mere song, and go into the hands of speculators in our great cities. He had heard of a single individual in New York, holding at this moment a principality in Illinois, and who is retarding the settlement of that part of the country by holding up the lands at an extravagant price. Land is not the only want of man; he must have money to meet his necessities, and gratify his pleasures; and many have less inclination to the occupations of agriculture than to other pursuits. He regretted that every man did not appreciate farming as he did. But it is impossible to change the characters of men. Many who are eager for land desire it not for the purpose of cultivation, but will part with it as soon as they have nominally complied with the conditions which the laws prescribe. He objected to the amendment, because its benefits were not confined to the poor settlers, and on account of its inequality. What chance would the people of Virginia, Kentucky, New York, or Pennsylvania, stand with the people of Illinois, who were well acquainted with the vacant land around them?

We had been told by the President, as well as by the gentleman from Illinois, that population is more important to the country than land; and the sentiment is undoubtedly true. It should be recollected, however, that the mere transfer of population from one section of the country, or from one part of a State to another, adds nothing to the sum total. If it be so important to augment and not to shift the population of the United States, the privilege of settlement should be held out to foreigners, to induce them to come here and increase our numbers. When Georgia distributed her lands by a lottery, although one man might obtain more lands than he possessed before, it produced no increase in the population of the State. It was not a shifting, but an increasing population which was desirable. He wished that our country was densely populated, from the shores of the Atlantic to the Pacific ocean, and that all were endowed with our principles and love of liberty, and our devotion to human rights. But he could not, because he felt this sentiment, consent to be caught by a project which, altogether delusive, whilst its tendency is to sacrifice the public domain, leaves the total amount of our population identically the same.

Pass the amendment of the committee, and the lands will be swept by those who are on the spot; but the population will remain precisely as it is now. The scheme, while it would destroy the public domain, would engender speculation, and lead to numerous frauds and evasions; and, while fraught with palpable injustice to the people in all other parts of the Union, would be found to be far less conducive to the prosperity of the new States than the proposed distribution of the proceeds of the lands.

He had not intended, when he came into the Senate, to make more than a very few observations; and regretted that he had been induced to take up so much time. He hoped, however, that the Senate would excuse the length into which he had been betrayed by the deep feeling which he entertained of the vast importance of the subject which was now under consideration, resulting from a thorough conviction that no measure which does not embrace the interests of all the people of the United States ought to receive the favorable consideration of Congress. He trusted that the Senate would reject the amendment, and settle forever, on the basis of comprehensive equity proposed by this bill, this important question, which, if not speedily and permanently settled, was more likely to produce dissension throughout the country than any other subject which at this time pressed itself upon the consideration of Congress.

In conclusion, he should only invoke the Senate to extend to his bill the same favor which it had received at the last session.

The Senate then adjourned.

TUESDAY, JANUARY 8.

The sitting to-day was occupied principally in acting on sundry appropriation bills, and on executive business.

WEDNESDAY, JANUARY 9.

After disposing of various private bills, the Senate resumed the subject of the

PUBLIC LANDS.

Mr. BIBB addressed the Senate about an hour and a half on the subject, when he yielded to a motion for adjournment.

THURSDAY, JANUARY 10.

DOCUMENTS IN THE STATE DEPARTMENT.

The following resolution offered yesterday, by Mr. FORSYTH, was taken up:

Resolved, That the Committee on Finance be instructed to provide, by appropriation, for the employment of temporary clerks in the Department of State, to furnish, during the continuance of the commission under the treaty of indemnity with France, authenticated copies of such of the documents and vouchers deposited in that department, according to the stipulations of the treaty of 1819, with Spain, as may be required by individuals, or by the commission for the elucidation of claims under the said treaty with France.

Mr. FORSYTH briefly explained that this subject had been sent to the Committee on Foreign Relations by a resolution which was offered by the Senator from Maine (Mr. HOLMES.) The committee had considered the subject, and in a conversation with the head of the State Department, he had received the assurance from the Secretary, that the department had every disposition to render such facilities to the individuals interested, as would be within its sphere of duty and its means; but that it had not the power to permit the original documents to be taken from the department, or the dispensable labor which would be necessary to make the requisite copies. The committee, on consideration, had deemed that they could not, consistently with the contract made with Spain, authorize the removal of the documents. They therefore directed their attention to the best mode of obtaining authenticated copies, which would be sufficient for the purposes of the claimants. The clerks in the department were too fully occupied to permit their labor to be transferred to this object; and it was deemed unjust to throw on the claimants themselves the expense of making or obtaining copies of their own papers. It was therefore considered right to cause the expense of making authenticated copies to be paid by the Government.

Mr. HOLMES expressed regret that the committee had come to this conclusion, and that they could not reconcile it to their sense of duty to intrust these papers into the hands of a commissioner. He would inquire of the chairman of the committee whether any trouble had been taken to ascertain if authenticated copies of the documents could be received as evidence by the commissioners under the French treaty, while the originals were in existence? He thought it doubtful whether such copies would be received as sufficient, while the originals were to be had. He believed that such also was the opinion of the clerk of this commission, with whom he had had some conversation on the subject. He wished to know if there had been a discussion of this point in the committee.

Mr. FORSYTH replied that this point had not been discussed. It had, he presumed, been taken for granted that authenticated copies of the documents, made under the authority of an act of Congress, would be taken as sufficient evidence before any tribunal. The removal of the documents from the State Department could not take place without a violation of the existing treaty with Spain; and if they were removed, whenever a new treaty was made, they might be found travelling throughout the country, from hand to hand, and might, not without difficulty, be replaced in the department.

The resolution was then agreed to.

PUBLIC LANDS.

The Senate then proceeded to the special order of the day, being the bill to appropriate for a limited time the proceeds of the public lands, &c.

The question being on the amendment reported by the Committee on the Public Lands—

Mr. BIBB resumed the remarks which he commenced yesterday, and concluded them.

The question was then about to be taken, when

Mr. KANE suggested that a gentleman who wished to address the Senate was now absent, and he would, to give him an opportunity to be present, move to lay the bill on the table for the present.

The motion was subsequently withdrawn, and, after some conversation, a motion, submitted by Mr. BIBB, to postpone the further consideration of the bill and amendment, and to make it the special order for to-morrow, was agreed to.

After executive business—adjourned.

FRIDAY, JANUARY 11.

SOUTH CAROLINA RESOLUTIONS.

Mr. MILLER presented certain resolutions of the Legislature of South Carolina, in reply to the proclamation of the President, viz:

Resolved, That the power vested by the constitution and laws in the President of the United States to issue his proclamation does not authorize him in that mode to interfere, whenever he may think fit, in the affairs of the respective States, or that he should use it as a means of promulgating Executive exposition of the constitution, with the sanction of force; thus superseding the action of the other departments of the General Government.

Resolved, That it is not competent to the President of the United States to order, by proclamation, the constituted authorities of a State to repeal their legislation; and that the late attempt of the President to do so is unconstitutional, and manifests a disposition to arrogate and exercise a power utterly destructive of liberty.

Resolved, That the opinions of the President in regard to the rights of the States are erroneous and dangerous, leading not only to the establishment of a consolidated Government in the stead of our free confederacy, but the concentration of all power in the chief Executive.

Resolved, That each State of this Union has the right, whenever it may deem such course necessary for the preservation of its liberty, or vital interest, to secede peaceably from the Union; and that there is no constitutional power in the General Government, much less in the Executive Department of that Government, to retain by force such State in the Union.

Resolved, That the primary and paramount allegiance of the citizens of this State, native or adopted, is of right due to this State.

Resolved, That the declaration of the President of the United States, in his said proclamation, of his personal feelings and retaliations towards the State of South Carolina, is rather an appeal to the loyalty of subjects than to the patriotism of citizens; and is a blending of official and individual character heretofore unknown in our state papers, and revolting to our conceptions of political propriety.

Resolved, That the undisguised indulgence of personal hostility in the said proclamation would be unworthy the animadversions of this Legislature, but for the solemn and official form of the instrument which is made its vehicle.

Resolved, That the principal doctrines and purposes contained in the said proclamation are inconsistent with any just idea of a limited Government, and subversive of the rights of the States and the liberties of the people; and, if submitted to in silence, would lay a broad foundation for the establishment of monarchy.

Resolved, That while this Legislature has witnessed with sorrow such a relaxation of the spirit of our institutions, that a President of the United States dares venture upon this high-handed measure, it regards with indignation the menaces which are directed against it, and the concentration of a standing army on our borders; that the State will repel force by force, and, relying on the blessing of God, will maintain its liberty at all hazards.

Resolved, That copies of these resolutions be sent to our Members of Congress, to be laid before that body.

The resolutions were read and laid on the table, and ordered to be printed.

PUBLIC LANDS.

The Senate then proceeded to the consideration of the bill to appropriate, for a limited time, the proceeds of the public lands, &c.

Mr. BUCKNER, who was entitled to the floor, assigned indisposition as a reason for asking further indulgence, and moved to postpone the bill and amendment, and make it the special order for to-morrow.

Mr. CLAY objected to the postponement, as there would be other opportunities for the gentleman from Missouri to be heard before the final disposition of the bill. If the gentleman would permit it to be engrossed, he would himself consent to put off the question on its passage, until the gentleman should have had an opportunity to make his observations.

Mr. BUCKNER stated that his object would be defeated by that course, as he wished to be heard against the engrossment.

After a few remarks from Mr. POINDEXTER and Mr. FORSYTH, the question was put on the motion to postpone, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Buckner, Calhoun, Dallas, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Miller, Moore, Rives, Robinson, Ruggles, Smith, Tipton, Tyler, White, Williams—24.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster—21.

So the motion to postpone was agreed to.

SATURDAY, JANUARY 12.

A bill granting a township of land to each of the States of Indiana, Illinois, Missouri, and Alabama, for the promotion of female education, was taken up in Committee of the Whole.

Mr. EWING moved to amend the bill, by inserting the State of Ohio before the State of Indiana, which was agreed to.

The bill was then reported to the Senate, and the amendment was concurred in.

Mr. CLAY moved to lay the bill on the table for the present, which was agreed to.—Yeas 19, nays 12.

PUBLIC LANDS.

The Senate then passed to the consideration of the special order of the day, being the bill to appropriate, for a limited time, the proceeds of the sales of the public lands, &c. The question being on the amendment proposed by the Committee on Public Lands, substituting a bill to reduce the price of the public lands:

Mr. BUCKNER rose and remarked, that he was thankful to the Senate for the kindness shown him in having postponed this subject on his account, and, though he felt his health somewhat improved, yet he felt both unwilling and unprepared, from bodily debility, to engage in this discussion; nor would he do so, was he not impelled by a deep sense of duty to his constituents. He had waited for others, abler than himself to do justice to the subject, to lead in the debate. The subject had been so ably and so frequently debated heretofore, that he apprehended Senators had generally formed their opinions upon it. He was not so vain as to believe he could shed much new light on the question, whereby to convince any one, or to change the opinion of any one already formed. He would, therefore, endeavor to avoid fatiguing the Senate, by travelling over the ground heretofore occupied by those who had preceded him. He did not speak for the paltry purpose of being heard either, or of making a display, but because he considered it a question of great interest to his immediate constituents, to all the new States, and the whole American people: and he knew his constituents to be alive to this interest. His object was faithfully to represent them, and to convince the whole American people that, though we may fail in our wishes, yet that we are not ignorant of our rights, and that the fear of failure shall not dismay us from the attempt to assert and maintain them, and to assure those who oppose us that we shall continue to press them until justice be done us. He considered the bill, as reported by the Committee on Manufactures, which is the bill now introduced by the Senator from Kentucky, to contain principles not only hostile to the interest of the new States, but deleterious to the welfare and prosperity of the whole nation. He proposed,

1. To consider the bill.
2. To review some of the arguments urged in support of it.
3. To consider the proposed amendment.
4. To notice the argument of the Senator from Kentucky (Mr. CLAY) against the amendment, and also his argument in support of the bill.

I am opposed (said Mr. B.) to the bill, because I consider it unequal, unjust, and unconstitutional; unequal, and consequently unjust, because the sums of money heretofore appropriated and applied to the use of the old States are much greater than those sums applied to the use of the new States. See, sir, what has been appropriated for the erection of light-houses, breakwater improvements of the ports and harbors, for fortifications, for the benefit of those old States, and likewise for the internal improvement of those same States. Then see, sir, what sums, I may say from the date of this Government, have, from time to time, not only been laid out and expended for the benefit of the old States, but see how the citizens of those States have been benefited by circulating those vast sums among them. Now, also, look to the great sums that are paid to the people of those States as officers of the General Government; not less than five hundred thousand dollars yearly are paid from the treasury in this way to the State of New York, and seventy thousand to the State of Maine, and all the other old States in like proportion. Now, see how much has been paid in this way to the new States—how much has been paid to Missouri. I invite gentlemen just to turn over their documents, and they will see all this. Before this distribution is made, this thing ought to be equalized; if it is a matter of contract, if we consider this as a settlement of partnership account, (and, indeed, so it has been treated by its friends,) the account ought to be fairly stated from the commencement of the firm. Then we ought to go back to the date of the Government, and see what was put in stock, who has drawn out, and then make a fair dividend of the stock on hand. This bill does not do this, but, without any just rule, arbitrarily says, each shall have so much. This bill makes no allowance for the future increase of the population of the new States; this it should do. Our population is increasing every day, whilst that of the old States is stationary. Our territory is much greater than that of the old States; and in this the provision of the bill bears no just proportion. It is the territory, it is the face of the country, that we ought to improve; and where there is greatest need for improvement, there ought the greatest sums to be applied. But this is not the case under this bill. Little Delaware gets within one share of the same amount that Missouri gets, when many of the counties in Missouri are larger than all Delaware, and need as much improvement; and every other State, though most of them are much smaller in district, gets as much and more than Missouri, under the provisions of this bill. It is clear, from this view of the subject, that there is no system of equality and justice in the bill. This bill contemplates the establishment of a great system of internal improvements, to be carried on by the proceeds of the public lands; and the new States furnish the whole sum, (the lands being in those States.) And yet those who have the most land, and will contribute most to this great scheme, will get less. The people of the new States will never be content with this; for, talk as you may, you never can make them believe they have no superior claim, much less will you make them believe they have less claim than the old States, as this bill clearly asserts. Apart from all other considerations, the location of these lands amongst us (protected as they are by the different acts of Congress forced upon the new States) embarrasses these States, and operates greatly to their disadvantage; and besides, the constant improvement of the country in which they lie, by the citizens of these States, enhances the value of the public domain thus proposed to be parcelled out by the bill. And are we to have nothing in consideration of all this? But the Senator says, we get seventeen and one-half per cent. more than the old States. Was there ever a greater delusion (to use no stronger word) than this? Sir, let us examine this bounty, and its virtue fades before the power of truth and justice.

Now, sir, five per cent., which is part of this seventeen and one-half, is actually the right of the new States now, under former compacts palmed, I will say, on us, when we were minors, before we were allowed to come into the Union; although, by treaty and compact, we had a right to come in without conditions. And what were the conditions extorted from us? Sir, we were compelled to surrender the right to tax the lands of the United States; and, not content with this, we were still compelled to surrender the right of the State to tax the land sold to individuals for five years after the sale; and we were required never to assert the right of the States to the lands within their limits. It required that those new States should never interfere with the primary right of these United States to dispose of the soil. Thus, you see, we paid dear enough for the five per cent. But, sir, we get, say the friends to this bill, an additional advantage of twelve and a half per cent. Now, sir, look at the provisions of the bill, and the favor it confers on other States, and the losses and inconveniences the new States sustain; and this great boon sinks into contempt—its inequality and injustice are manifest.

This bill contains another principle which is excessively odious to me. It asserts the doctrine that the General Government have a right, and ought, to direct and control the funds of the States. In this it is disrespectful to the sovereignty of the States. If we grant this, let the States dispose of them to their minds, and let not Congress dictate to them; it corrupts and demoralizes the habits of the people, by tempting them to idleness, and begetting the habit of looking to the treasury for money, and the means of living—creating the habit, on the part of candidates for seats in the Legislatures and Congress, of making vain, corrupt, and improper moneyed promises to the people; thus destroying the freedom and purity of elections, and substituting a hope of pecuniary reward for correct principle and patriotism; thus polluting the pure streams of legislation, by producing a scramble, first, here for the money, and then in the State Legislature for its appropriation. Every neighborhood will want it, and that which can give the most votes to a candidate will get it: thus the strongest neighborhood, and not the most destitute and needy, will get the appropriation of the money; and not the poor but the rich will be aided by this fund, for all objects of schools and internal improvements; this must inevitably be the case; and the most influential leaders of religious societies will get the colonial amount. But, Mr. President, any or all of this amount can be applied to any or all of the three objects specified. Does not every one see that these three interests will eternally be warring with each other for the whole amount? The fanatics will want all for the colony of Liberia; the friends to internal improvement will want it all applied to objects of internal improvement, whilst others will say, let us have schools; and thus you will see, in all sections, a bitter war between them for the money. Can it be good policy to create such a source of strife in society, which must pervade all neighborhoods, and destroy all social harmony? Sir, the bill is delusive—is well calculated to deceive and to captivate the people. Whilst it presents the cup of hope, yet within is contained the gilded pill of bitterness and death: it is deceptive, and offers favor and benefits that are not real, whilst it professes to bestow moneyed favors on the people. Yet, the truth is, that the people are actually paying a tax to make the sum thus pretended to be bestowed. I am opposed to this mode of legislating; we ought not to do an act which may mislead and deceive the people; all our acts should be open, so that the people, who have a right to review our work, may see and understand what we have done.

Sir, there is another principle in the bill very mischievous in its consequences, which is this: it is well calculated to disturb the quiet and peaceable enjoyment of a certain description of property in the slave-holding States. Does not every one in those States know, that the more those unfortunate beings are tantalized with a hope of emancipation, the more ungovernable they are, and, consequently, the more wretched they are? If we then furnish the means, do we not invite the intermeddling by fanatics with those people? and will this not be an evil greatly to be dreaded? and wherever there are many free blacks, there always the slave is less manageable, and his condition will be imbittered by harsher treatment.

Is not a free black population the worst of all others in our country? Suppose, then, you by this bill furnish the means; will not many be purchased and emancipated? and after they are, who has the power to say they shall go out of the country? If they choose to stay among us, how can we get rid of them? Look, sir, only at what we see every day in this city for a proof of what I say. Sir, this bill is unconstitutional, because in no part of the constitution of the United States is the power expressly given or impliedly given to Congress to use the revenue of the nation for the support of an African colony, or for the benefit of any foreign power, or for any other purpose than the general welfare of the American people.

Sir, what will your constituents and mine say, when they come to understand that they are paying a heavy tax to support a parcel of free negroes and adventurous clergymen in Liberia? If we are exonerated from the payment of a tax here at home within our own limits for the support of a church, why shall we be compelled to do it without our own limits? (at Liberia, in Africa.) Is this the liberty of conscience secured to the people under the constitution of these United States? Where, I repeat, is the power to be found within that instrument, sanctified and consecrated to liberty by the blood and sufferings of our illustrious ancestors? Shall we so soon disregard the obligations of the constitution, and view with indifference the high value of that rich inheritance, when we, and we alone, can boast of having descended from those mighty men whom God had chosen as his peculiar instruments, with whom to demonstrate his power, before the children of men? Sir, it was a peculiar demonstration of power and goodness, such as age or country never witnessed before. I am aware, sir, that it will be said I mistake the object of the colony; that it is not to establish a church there, but only to afford an asylum to those unhappy people (the free blacks.) I understand all that, sir, and I also understand what description of people are engaged in this project; and I ask whether there is not a strict religious discipline kept up there, and whether the liberty of conscience is enjoyed there? Sir, I will not dwell upon this part of the subject. I am not opposed to this colony; I am only unwilling to see an unconstitutional appropriation of money for its benefit; and I would have this same objection to any other object, if I thought the step to be unconstitutional. I know, sir, I will be answered with the assertion that the States will do this: that it is the act of the States, and not the United States; but sir, this is not true; the principle is *qui facit per aliem se*.

So, if the United States order it, then it is the act of the United States. Now, sir, how does this matter stand? The States are enjoined to do this thing by an act of Congress, and they are furnished with the funds; the States are only the instruments to execute the wish of Congress. Then it is not the act of the States, but the United States; and if we lack the power to do this ourselves, we cannot give it to the States.

Sir, we cannot convey a right which we do not possess. All the right and ability which the States have, are derived from the General Government. But if the States have this right already, why shall we attempt to give what they do not need? If, then, the right in the General Government is imperfect, the grant from her to the States of that imperfect right must be unavoidably imperfect. The Senator from Kentucky, who sits furthest from me, [MR. CLAY,] said, in reply to a call from my honorable friend and neighbor, the Senator from Illinois, who sits nearest on my right, [MR. KANE,] that the power to make this distribution is to be found in the deed of cession, and in the opinion of the President. I know of no such opinion ever expressed by the President, and, judging from the course that Senator [MR. CLAY] takes, I should suppose the President had not expressed such an opinion. But, he says, the power is in the deed of cession: this is a broad answer, and amounts to none at all; he has fired at the whole world, and missed it too. Will the Senator quote that part, if any, of the deed of cession, which gives this power? can he put his finger on the page or place where I could find it? I confess I never saw it, often as I have looked for it. Its inequality makes it unconstitutional; this system contemplates to continue that inequality which now exists between the old and the new States, though it is the duty of Congress to remove this injustice, and put all on an equal footing, expressly made so by the terms of the treaties and deeds of cession under which these lands are held. The constitution declares that the constitution of the United States, and treaties made under it, &c. shall be the paramount law of the land. Then any law against a treaty made by virtue of the constitution is void and unconstitutional. In the land laws of the United States, page 43, we have this provision in the treaty with the republic of France, which ceded Louisiana to the United States:

"The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the full enjoyment of all the rights, advantages, and immunities of citizens of the United States."

The words in this paragraph are pregnant with much meaning and force. Mark you, sir, the inhabitants of Louisiana (the territory ceded by that treaty, and the people, to whom its protection extends) were to be incorporated into the Union; they were to be made an equal part of the body of the Union of the United States, in the full enjoyment of all the rights, advantages, and immunities of citizens of the United States; and this was to be done as soon as possible. Now, sir, what is the duty of the Government under these terms of the treaty? The word possible is an expression of great import. As soon as possible these people were to be put into the full enjoyment of all the rights of citizens of the United States. Had we under this treaty any power to delay or refuse to do this? Have we any right to take any step, which necessarily produces delay? Is this a true interpretation to the admission as soon as possible of these people into the full enjoyment of all these rights, on equal terms with citizens of other States, as guarantied to them by the terms of the treaty? They have, it is true, been admitted into the Union; but are there not other rights which the old States enjoy, which those new States do not? If there be such rights in the old States, then they are not equal with the old States, and the terms of the treaty are not yet complied with; and, I ask, are we not bound to remedy this inequality? If we are, how can we pass this law, which disregards this obligation by postponing the rightful enjoyment of those equal privileges? Sir, there are rights which other States have, and important ones too, which the new States have not. All the old States have jurisdiction over all their citizens, and all the property, real and personal, and tax it for the support of the Government of the State; but we in the new States have not this right, nor have we the right fully to legislate over all the property in the State, for public purposes; the public land being exempt from taxation, and from the legislative action of the State. This bill being calculated, not to remove these embarrassments, but to continue them continues an inequality among the States, and is therefore unconstitutional. But how, it will be asked, are we to remove this inequality? I answer, reduce the price of lands to a fair value; let them pass into the hands of the citizens, subject to taxation; and then, and then only, will the States be equal. By the bill, and the report which accompanied this bill last session, it is admitted that the money is not needed by the Government for revenue purposes; for by both the money is proposed to be given away. Why not then reduce the price of lands? But no; rather than do this, or reduce the tariff, we will squander the whole proceeds of the public lands. Sir, does not every body see that this is a tariff measure in disguise? Do we not see that whatever of revenue is raised by the sales of the public lands, that amount will be taken off the protected articles? Then to throw away these three millions, raised from the public lands, will be to add that amount to the protected articles, and thus keep up the tariff and the lands too; and an attempt to do so is a strong argument against the tariff.

I am not opposed to the tariff, nor do I object to this measure because it will benefit the tariff; but I will not do an indirect thing; I will not consent to see every interest in the country sucked into the vortex of the tariff, and made subservient to it; nor will I consent to see any one interest control every other in the land. Sir, when the tariff comes up, I will act on that as becomes a member of this body; I will then vote as my judgment directs, and stand openly before my constituents, and the whole American people, subject to that great accountability which I owe them. As we have an excess of revenue, why not reduce the amount gathered off the people? Perhaps it would be sufficient to reduce the price of the lands; if not, then take part off the tariff. I submit it to the friends of the tariff, whether it be prudent and wise to stir up every other interest against the tariff; will they not, by such a movement, unite a force which will put down the whole system? Gentlemen ought to beware how they rouse the slumbering lion. I know this reduction of the public lands is thought to operate against the interest of the manufacturers; but the tariff, it is said, operates against the Southern States, and the present price of public lands against the new States. Now, will it be desirable to see the interest of the South and West united against the tariff? Is the small amount which may be lost to the manufacturer by the proposed reduction of the price of the public lands equal to that which must take place if the tariff is destroyed, (which I hope may not be?) I ask Senators who act with me on this great tariff interest, to pause and see where their movements will take them. Will Southern gentlemen see this waste of fifteen millions of revenue in five years, and still say the tariff oppresses them? Will members from new States, knowing it to be the interest of those States to reduce the price of land now, aid in the passage of this bill, which must forever cut off all hope of any reduction? Will Southern men, whose interest it is to keep up the tariff and reduce the price of the public lands both, vote for this bill? Will gentlemen in slave States vote for this bill, and thus hire the meddler to instigate their slaves to rebellion? Sir, the time is at hand when something must be done with these lands or the tariff—perhaps both. The Senator from Kentucky says he is willing to do all in his power to remove the discontents of the people. I was rejoiced to hear him say so, for I know he can do much; his very name is of itself a host. I fully reciprocate that sentiment, and declare that I will stand by his side, and do all in my power to restore harmony, peace, love, and contentment to our beloved, unhappy, and distracted country. Sir, at such a time as this, when gloom has mantled the manly face of many a patriot, and the whole country appears shrouded in the crimson robes of civil war, and the loved bosom of America, it may be said, is smoking with the blood of her slaughtered sons, will the son of Kentucky again stand forth the pacificator of his country's discontent? No man can reap a richer reward than is within his reach: this act of conciliation will be the brightest diamond in the crown of his immortal fame.

The Senator says this bill will produce harmony; this bill is to bind up all the wounds and heal the discontent of the whole land. Sir, how easy it is to be mistaken; he once thought so of his old friend the American system, and so did I; but where is that now? Its binding efficacy has gone, and it is with great difficulty that, with the support of many of the ablest men in the nation, it is kept alive. I hope it may survive: I will give it my hearty assistance. But, sir, how is it expected that this bill, which is the ricketty, ill-bred stripling and descendant of this aged, sickly, sinking sire, can do more than the parent could in its meridian strength? Sir, this bill cannot give content, but must widen the breach among the people; we ought not to legislate thus against the will and interest of the people, though that will and interest be a minority. The majority ought to rule, it is true; yet they should always exercise their power and right respectfully, and with a due regard to the interests of the minority; otherwise we act not as freemen, passing laws for the government of freemen, but as so many tyrants, regardless of the rights of those we govern. Virtuous monarchs respect the feelings and interests of those they govern; and shall that majority which governs a free people do less?

How, sir, can this bill give contentment to those opposed to the tariff? It settles no principle they are contending for; on the contrary, it adds to their misfortunes. But, sir, can any one believe that the wretched pittance distributed to the States will buy off South Carolina from that stand which she thinks necessary to maintain on great and important principles, or any other State opposed to the tariff? Sir, is not this bill adding insult to injury, and fanning the flame of madness throughout the whole country? Ought we to do this? Shall we goad an angry brother to his destruction, though he may be in the wrong; but shall we not rather turn him from the cause of his uneasiness, that he may cool? Sir, in all climes, and in all ages, the best and wisest have erred. Is it best to cast away an erring brother, or is it not our duty to reclaim him? Why, in the moment of his exasperation, add new causes of excitement? If we cannot relieve, do not let us insult and mock the complaints of our own household—those whom we are bound to cherish and defend. Let us do all that is right, and all that we can, to restore confidence and contentment among the people and the States, and leave no man any excuse for wrong doing. And if (which may God in his boundless Providence avert!) this fair land is to follow the fate of other republics, and to be covered with disgrace, sorrow, and wretchedness—if, indeed, the ghosts of the mighty heroes and statesmen who founded this republic are to be made wretched, by the baseness of their degenerate sons, let the world bear proof that we who administer the affairs of this people are innocent. It is not fear, but the love of country I feel, that dictates these remarks. This course, recommended by the Senator, [MR. CLAY,] as a means to reconcile the discontent, cannot have that effect, but the contrary. Let us, then, not do any thing that may exasperate public excitement, nor leave undone any thing that may properly be done, that may have the same effect. Let us be temperate, prudent, and discreet, and do justice to all. Yield nothing from timidity, nor press any thing to gratify an unbridled ambition in any one. Sir, the destinies of this nation are in our hands. The eyes of the American people, and indeed the whole world, are upon us. The all-seeing eye of Heaven is upon us; and we must not only be judged by those that now are, and by generations to come after us, but by that Power which, sooner or later, we must all feel and account to. How awful is the responsibility we are under, and how great is the necessity of duly weighing the bearing of all our acts at this momentous crisis! Shall the blood of our citizens fall on our heads, or will we not so shape our course, that should blood and carnage cover the fair fields of our country, heaven and earth will witness that we are innocent?

I am the advocate of the tariff, and, on proper terms, mean to maintain it. I surrender my opinions to no man, nor am I to be alarmed by the present excitement. But, sir, I ask the friends of that measure, whether the course recommended is not calculated to injure the tariff? In the first instance, the disguise of this bill is not sufficient to conceal its real object from the people. Then does not the attempt to do this beget, by that indirect movement, a distrust among the people? And shall we not forfeit public confidence in the measure? Again: this bill brings the interest of all those who wish to reduce the lands against the tariff, which, added to the opposition now existing, will, I fear, be highly prejudicial to the tariff. Can this step be wise on the part of the friends of the tariff? I tell gentlemen more liberality towards other great interests must be practised, or the consequences will be more serious than they apprehend. Shall we thus disregard the high value of that rich inheritance of which we, and we alone, can boast having descended, from those mighty men, whom God seems to have taken as his chosen and peculiar instruments wherewith to demonstrate his power on earth?

What, Mr. President, is the argument to sustain this bill? The sordid love of gold, sir, is the argument; money is to be given the States; they are to be bought out; they are asked to surrender their sovereignty for a sum of gold. Who, sir, will take this bribe? What State will, for that paltry trash, surrender her independence, and throw herself in the lap, to be dandled by the General Government, or spurned when she may please? Will those who adhere to the doctrine of State rights do this?

I for one will touch not, handle not, the unclean thing. The sovereignty of these States is now bid for; and we are told, in a spirit of haughty menace, that we had better take what is offered, or we may never have such a chance for a good bargain again, and we will have to reproach ourselves with having let slip so great an offer. Let it go, sir, and in God's name I ask that it may never again be seen within these sacred walls.

I will not purchase a field with the reward of inequality. We are likewise told that our constituents will reproach us; that is, indeed, a matter of great delicacy, and very desirable to be avoided by every man, who has a proper sense of his representative duty. He would be pained to give a just cause of discontent to his constituents. But, sir, we have a duty to perform, and it ought to be done in good faith for the benefit of the country; and when that duty is honestly discharged, though it may give offence to some, whose good will we desire, and whose judgment we respect, yet we have an approving conscience within, which is of itself a treasure, that buoys an honest man above the wrangling waves of persecution and deadly hate; and in this vote, I can say before God and my country, that an approving conscience is mine. But should the chastising lash of our constituents come, (which may Heaven avert,) yet then beneath its tortures we will not call on the honorable Senator to interpose his kindness, or heave a single sigh of sympathy for us. I know my constituents, and they know me, and we will settle the account without troubling the Senator from Kentucky with our differences.

Sir, no man feels the force of those remarks more than myself. I know what it is to meet the black ingratitude of those with whom I have acted, and who by my labors have been profited, and I know what it is to put all such hings at defiance.

I am, Mr. President, fully sensible of the exposed situation I occupy: standing on my own principles, bound to no party, I am often shot at by all; but, sir, I shall now, as I have always heretofore done, act on this question as befits an American Senator, and maintain such a course as n my judgment best comports with the interests of my ountry and my constituents. Sir, I will not crouch beeath any imprecations. I have drunk deep of the bitter up of unkindness; I have often known what it was to meet the cold ingratitude of those I have served and with whom I have acted; but, thank God, I have also known the healing comfort of kindness; and though clouds at present hover over me, yet when I shall return to the bosom of that State at whose hands I have received so much kindness, I still expect to grasp the hand of kindness there.

The Senator [Mr. CLAY] says these lands were pledged for the payment of the public debt, and, as that debt has been paid by the people with other funds, that now the lands stand chargeable, and therefore ought to be distributed to the States for the use of the people. Has the Senator reflected on the force of this argument? If his principles be true, it would seem that the impost duties have paid the debt instead of the land paying it; that now the land ought to make that sum good to the impost, by taking that amount off the impost and putting it on the lands, or applying the amount of the sales of the land to the reduction of the tariff. Will he consent to this? and yet this is the force of his argument. No, he will not do this, but proposes to give away the lands, not to the people, as the bill delusively pretends, but to Liberia and other things, and all the while the people are still taxed to keep up this very amount thus wasted. But pray, what part of the public debt did Liberia pay, that she must come in for a part of this public treasure? There is no symmetry in the gentleman's plan; but, sir, the truth is, that this view of that pledge of the lands is erroneous. These lands were never pledged to pay that debt, as he views it; it was never stipulated that the lands, and they alone, should pay that debt. They were pledged, but that was only as collateral security, intended to create faith on the part of the public creditor in the ability of the Government to pay the debt, just as if a man should mortgage a tract of land to secure a debt due some other person; but as soon as the debt is paid, the mortgage is discharged. So, here, as soon as the public debt is paid off, the lands are discharged; and they are not, therefore, to be distributed among the States, but they are to be applied to the common benefit of the whole nation. How is this to be done? Why, sir, by selling them, and putting the proceeds into the treasury of the nation, and applying that revenue to the general welfare of the nation. Thus the people will be saved from the payment of so much taxes, and they will likewise be benefited by a proper and just use of the revenue applied to the common good and general welfare of the nation.

The Senator [Mr. CLAY] alludes to the discontent, and says, take care we do not shift the theatre of discontent. I return him that same good advice, with this addition, that the very step now recommended by himself is not only calculated to continue the discontent, but to enlarge its theatre. What does he mean by shifting the theatre of discontent? Does he mean to say that, unless we keep up the tariff, and keep up the price of the public lands too, and then give away the proceeds, a certain part of the Union will rise on us, far more formidable than all the rest? Sir, we are not to be intimidated by such threats, and drawn from the support of just rights; we court no differences with any part of this Union; but we will fearlessly maintain our rights; we censure none for doing likewise; but we say, let us act like brothers, be liberal and just; it is all one family, and we will not quarrel about fractions.

Sir, what objection is there to the adoption of the amendment? What does the amendment propose? It is not necessary that it should destroy the bill. If the amendment succeed, the bill will be improved, and give more satisfaction. The amendment proposes to reduce the price to fifty cents per acre, in favor of the Western settler. If the money should thus be left in the pockets of the land purchasers, it would be more valuable than if appropriated to the object of the bill. The design of the bill is to keep up the price of the public lands. If the bill passes, it will be strong and conclusive evidence that the prophecies of its opposers will be verified. The amendment embraces a principle which I have advocated for years. I rejoice that it does so. The true interest of the West is to reduce the price of the public lands. It is of the utmost importance to the West that their vacant lands be occupied, and their population augmented. It is not necessary to go over former grounds, but I will say a few things on this point. Whenever the public lands shall be sold out at a fair price, the population will be more dense, and readier and able to aid in promoting the object of the Government; society will be improved; the interests of religion, education, good morals, and manners will be better promoted; and the people will be better able to extend the facilities and blessings attendant upon them. They will be able, in all respects, to provide better for their families. The Senator from Kentucky said, people want something else besides land. But if the land is thrown away, there is nothing left. The people do want something else besides land; and by reducing the price of land you enable them to get that something else. You will ameliorate their condition, and remove the hardships to which they are now subjected. They now suffer every hardship imaginable. Remote from mills and other similar conveniences, it is only with great trouble that they procure those advantages. Remote from medical aid, their lives and health are in constant danger. Distant from schools, their children grow up without education. Destitute, in want of churches, they are left without the means of religious instruction. Still, under all these disadvantages, they press onward. They possess a spirit of enterprise and industry, which keeps them above water. It is this, in a higher degree than in any other part of the country, that keeps them from sinking. Is it not as well to promote the interests of these defenders and citizens of the country, as of the free blacks? Why should not the price of lands come down? The price of private lands is lowered; why should not the price of the public lands undergo a corresponding reduction? There is no good reason, no other than the one I suggested—to continue and increase the expenses of the Government, for the purpose of maintaining the tariff. Where is the hope of contentment under such a result? Then let us adhere to the amendment; if the bill must pass, let the amendment go with it; but I had much rather it had been the amendment alone. Our constituents expect us to maintain, and never surrender, the principle embraced in the amendment. They expect us, on this subject, to do our duty. They have honored us, and we ought not to desert them. The people of the West have laid out much for their lands, and have trusted to Providence to afford them the means of getting free from their embarrassment. Nothing but their industry and the fertility of the soil has sustained them. If it had not been for industry and enterprise, unequalled, except in these States alone, they must have sunk beneath their burdens. The Senator says, that at the end of five years the bill may be altered, if found desirable. Sir, so may the price of the public lands be altered at any time.

Reduce that price now, and next year, if you think best, you can raise it. Shall we, notwithstanding, rivet this bill upon us for five years? The Senator said he would not surrender the lands. There is no proposition in the amendment to give away the lands, or to surrender them.

The Senator has argued this amendment as he did the bill to open a commercial canal through the Big Swamp. He assumes facts, and provisions, and principles, not to be found in either. Perhaps he had not read the canal bill. He treated that as an arduous attempt to drain swamps, all the swamps on the Mississippi, &c., when there was no such provision or principle in that bill. So now he assumes the ground that the proposed amendment is to cede all those lands to the States, or to give them away. Now, sir, there is none of this in the amendment; no such principle there. All his argument on that subject, every one will see, is foreign to the question under consideration, and need not, therefore, be answered. I can see no force in it, unless it is intended to raise the impression that we are about to lay violent hands on these lands, and convert them to our use; and, therefore, they are justifiable in doing so first.

But, sir, the people will see and understand this matter in its true light, and apply to it its appropriate merit.

The Senator says, speculators will engross the lands. This, sir, is an old song—too long sung—it has lost its merit and charms; no one believes in it now! The rage for land speculation is over. Can any one be so blind as to believe, that at the price and rate fixed by this amendment, any one will attempt to speculate? The price is too great to induce speculation, and five years' settlement and occupancy is too long for a speculator; besides, the occupant cannot sell his possession. If, sir, in Ohio and Kentucky, where the price of lands was, in early times, much lower than under this amendment, the speculators in land could not stand up, how can they do it under the price proposed by the amendment? Sir, the taxes on the lands, added to the price, will forever check the attempt to speculation. But why, if this provision is favorable to speculation, is it that speculators are opposed to it? These men were never known to go against their interest. I know many land speculators, and in the whole scope of my acquaintance there is not one in favor of reducing the price of lands, nor do I know many moneyed men for it, who use their money in trade. The argument of the Senator proves that all this supposed danger about speculation is a delusion, and that it is their interest to support the present price of lands; for he assumes the ground that we ought to keep up the price for the benefit of speculators. Did he not tell us that, if the price of the public lands was reduced, it would put down the price of private lands; and insisted that we were bound to sustain the former purchasers in that value? Who is it that is interested in this value? Not the farmer, but the speculators, who buy and sell land. Thus, sir, if this position be true, how are the speculators benefited by the reduction? Not so; those who now hold large tracts of land will be compelled to sell for a less price instead of acquiring more; and thus, not the speculator, but the tiller of the soil, will be benefited, by getting his land for a fair and moderate price, and the country settled and improved, according to the rights of the people secured to them under the treaties and deeds of cession, and the constitution of the United States, which put all the States and citizens on an equal footing; (see 1st volume Laws United States, page 480, and page 8 Constitution United States;) until which is done the terms of those instruments are not complied with. Five hundred years from this time, our descendants will, in this chamber, be legislating on this land, says the Senator, [MR. CLAY.] This is monstrous. Then, by passing this bill, are the new States to understand such a system of oppression is to be adopted, in direct violation of our secured rights? For five hundred years these States are to lose the right of taxing their real estates like other States! Does the Senator thus propose to embarrass the new States? Is this a fulfilment of the treaties and deeds of cession, and the object for which those lands were granted? On the contrary, is it not a direct violation of it?

This, sir, is making colonies of the new States, and not sovereign, equal, and independent States, as you are bound to do. If you have the right thus to disregard the object of the grant, and terms of the treaty, you had a right at the beginning never to settle those States, and thus perpetuate the Territorial Government. To keep them back by not selling those lands for five hundred years, and to perpetuate a Territorial Government, would be a direct violation of the treaty. And is not this the same principle? Will gentlemen representing new States, contending for the equality of States, vote for this bill, and thus surrender their own views, and seal their fate? Does it not tie our hands hereafter? Shall we return to our constituents, and tell them we made a good trade, and sold them for the best price we could get? Were we sent here to trade, or to maintain great and important principles? Shall the pecuniary considerations of this bill dazzle our judgments, and lead us from our own principles? Shall we give up the contest for the pittance allotted to us in the bill? Were I to do this, I would stand justly condemned beneath the burning censure of my constituents.

By the constitution of the United States it is expressly declared, that the citizens of each State shall be entitled to the privileges and immunities of citizens in the several States.

Did it ever enter into the minds of those great and good men who recommended the acquisition of those lands, that the districts were to be made colonies? or was it not their object that they should speedily be settled, and admitted into the Union as sovereign States, equal in all respects to the other States? and was it not to strengthen and enlarge the Union? I pray gentlemen to look into the history of this matter.

Did that great apostle of liberty and equality, the ever memorable republican reformer, under whose wise advice Louisiana was acquired, expect to see her colonized thus? Look to the treaty, and, sir, you see the reverse. She is to be an equal and sovereign member of the Union! Is she so, whilst other States enjoy rights she does not? Is Louisiana now again, at this late hour, to be revisited with that same spirit which resisted the purchase and settlement of the province, and that, too, coming from a quarter, of all others, she least expected it—from Kentucky?

The Senator says, that the plan recommended by the President is contracted, unjust, and partial. This he recommends is broad, equal, and just. In general, I have great respect for the opinions of that Senator, but cannot agree in this with him.

I beg gentlemen to contrast the two schemes--we have them both before us.

This is the plan recommended by the President: "It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue; and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that, in convenient time, this machinery be withdrawn from the States, and that the right of soil, and the future disposition of it, be surrendered to the States respectively in which it lies.

"The adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have, in the progress of our Government, for the land they occupy, paid into the treasury a large proportion of forty millions of dollars; and of the revenue received therefrom, but a small part has been expended among them. When, to the disadvantage of their situation in this respect, we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sales are distributed among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy, after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end forever to all partial and interested legislation on the subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

And we have seen that reported by the Committee on Manufactures. That is a departure from the object of these grants, whilst that recommended by the President is a fulfilment of the objects.

Sir, in this opinion the President sustains the power of the constitution, the plighted faith of the Government, and the rights of the States and people; and, sir, the people will sustain him, however he may be denounced by particular individuals. Sir, I do not stand here to eulogize the President, or any man, nor to denounce any one. But, sir, I have given my public support to that individual, and it is due to myself, and the course I have taken in the political affairs of the country to say, that whatever may be his errors and his faults, I believe there lives not on earth a purer patriot and more honest man, or one more wholly devoted to the interest and happiness of his country; and that the plan just alluded to, however it may be taunted and denounced by certain men, will live in the grateful breasts of his countrymen, and be hailed as a monument of wisdom, patriotism, and justice, when that which is proposed as a substitute will sink beneath the anathemas of those whom it is destined to injure. Sir, this excitement of the age will pass away, and the calm of sober reflection succeed the tempest of irritation and revenge, and then justice will be measured out to all men. The Senator says there is no general discontent in the West. Thus he speaks for the whole West. I will only say, the Senator is not sufficiently informed, or he would not use this language. It is not reasonable to suppose he could be well informed on this subject; for, although he represents one of the Western States, yet there are many beyond him, among which he would not be considered the best authority. It is long since his was a frontier State; great changes are every day going on, too; some men have gone from the North and East, to the West, beyond him, and, strange as it may appear, yet it is true, that some men who were once devoted to the West have gone to the East. The glory of the setting sun is lost to us, and he now wastes his golden rays in the cold and heartless regions of the North.

I live in the West, I represent a part of the West, and I assure gentlemen there is great discontent there, and that it will increase until the cause is removed. Gentlemen delude themselves, and mislead their friends, by entertaining and sending out such notions. He says we bought Louisiana, and therefore can exercise our discretion on the subject of her lands. By this it is meant that there is no limitation of power, and that Congress can do as they please over her lands and her citizens. This is not so; she is protected by the treaty. (See Land Laws, page 43, as before referred to.) I ask, could the Government sell, or retrocede Louisiana, or could Congress have refused to admit her into the Union, without violating the treaty? If the purchase implied the right to sell, as in ordinary cases, all this might be done. What, then, prevents it? The constitution; the articles of compact, which make all the States equal; and the treaty with France, which says she shall be admitted into the Union, to the full enjoyment of all the rights and privileges and immunities with the other States. And, remember, France was a republic then, and did not intend to sell her citizens as slaves. Where is our power, then, to restrict any of those rights? And, sir, are we not by the terms of that treaty to remove all embarrassments to those rights? Can we refuse to legislate, with a view to continue those embarrassments? Could we have kept her out of the Union by not allowing the lands to be sold and disposed of, and thus forever make her a colony? Could we have done so for five hundred years, as is now proposed by this bill, by continuing her embarrassment? Can we do all this, and yet maintain our faith under the treaty?

I ask gentlemen to reflect and see where this distribution is about to carry them. Away with the notion of State rights and equality, if this can be done. The Senator often alludes to Ohio as an example for the new States. I envy not the prosperity of Ohio, but am proud of it. But that State is differently situated from the other new States. They never suffered the same privations that the other new States do, because much of their lands were taken up on private grants, such as military warrants, and they were soon taxable in the hands of private owners. These large landholders greatly control public sentiment, and by that keep up the price of the lands for their benefit. That is not the case with the other new States. In many of those States the number of private grants are few, and, by losing the right to tax lands, the taxes must fall heavy on all other kinds of property; and, sir, if now Ohio could tax all the land within her limits, she would soon be relieved of the great canal debt, which hangs over and harrasses that State. But when those lands cannot be taxed, the citizens are compelled to pay enormous taxes to make up the deficit, to the great injury of the laboring class of men; and this is the case in all the new States, and in all to a greater degree than Ohio. It is against this oppression we object; to this inequality we object; and this bill is not calculated to remove these objections, but it is admitted will rivet this injustice on us for five hundred years to come. How vain is such a hope! In less than one-twentieth part of that time, the voice of the mighty West, in this chamber, will do herself justice, and dispense it to those who now oppress her; and may she be more just to them than they have been to us. But why push this measure at this time? why not wait until the next Congress, when the West will be fully represented by her twenty-one additional members? Why now strive to saddle us for five years irrevocably with a matter to which we are opposed? It is but a few months before those who are knocking at your door will enter to defend the West; then let us see what will be the voice of the full West on this subject. Sir, after all, the Government cannot enforce this measure against the will of the West. Why adopt measures calculated to disgust the people with the Government? The strength of a republic is the devotion of the people to the Government; and devotion cannot exist without confidence in the administration of the affairs of the Government. The people are now willing to buy those lands, whilst the proceeds go into the treasury, and thereby diminish so much the amount of their taxes. But if this bill passes, and the money is applied to the Liberia colony, or thrown away, the people will examine into this matter; and, sir, I would not be surprised to see them just sit down on the land without purchase. How would you get them off? Public sentiment would forever prevent the execution of your laws. Who would inform of the occupant? Who, sir, would go round the lines to see if he was on the alleged tract, when he saw a few brawny buckskin lads, with their rifles, hunting game? Let us not incense the people by our laws. Sir, another strange argument against this amendment is, that to reduce the lands will draw off the population from the old States. Can we, sir, pass laws to prevent emigration? Have not the people of the United States a natural right to prosecute their happiness and fortune wherever they choose? See Declaration of Independence—there this right is asserted. If we have no right to pass such laws, is it a good reason to refuse to pass a law, because it will allow the free enjoyment of this natural right? This very principle was one of the causes that led to the revolution. Our fathers complained that George III., King of England, had obstructed the population of the colonies by refusing to pass laws for the encouragement of migration hither. (See laws of the United States, 1st volume, page 8.) And are the Congress of the United States going to do this very same thing against the new States? And yet do gentlemen say the States are equal. Strange equality! The people may move from one old State to another, but are not to be allowed to go to a new one; that is, they may go from one manufacturing State to another, but not to a planting or farming State. This is the pith of the argument. And does a Senator, called a republican, too, advocate such doctrines before the American people? Are these doctrines republican? Are they such as freemen ought to maintain? I ask the whole American people to open their eyes and judge for themselves.

The Senator says, the people of the old States will not have an equal chance with Illinois and the other new States to enjoy the benefit of this law. Why will they not? Cannot the people of the old States now purchase lands at the present price of $1 25, as well as those of the new States? And are not large quantities of lands now owned in the States by non-residents? And should the reduction take place, cannot they still enjoy the same right to purchase at $1 per acre? In this respect, the amendment makes no change in the right of all to purchase. And, I ask, why will not a citizen, coming from an old State, have the same right to settle as those now in the new States? There is nothing in the amendment to prevent it. To me, sir, there is no force in the whole argument. Again he says, this only shifts the population from one State to another; but, sir, the amendment does not meddle with the people. In that respect it only leaves them free to act for themselves; and this is what it should do. He says we ought to invite the people from Europe, not from the old States. Sir, the amendment invites no one. It only regulates the price of public lands, and the people are left to exercise their own will. But why is he more anxious for Europe than for his own country? Why is he more willing to provide for Europeans than he is to provide for his own fellow-citizens?

Sir, let Europe mind her own affairs, and let us attend to our own. In this argument the Senator admits his desire to check the migration to the new States. Would the Senator have preached this doctrine twenty years ago to the people of Kentucky? Sir, Decius was once the friend of Cato; but other views changed his mind, and bound him fast to Cæsar.

The Senator contended that these lands were obtained by the common blood and treasure of all the States. Now, sir, how did Virginia get the great Northwestern territory? Did the other States aid her in obtaining it, or did she not claim it under the charter from the King of Great Britain? And who captured that country? Was it not the State of Virginia? Was it not that gallant son of the Old Dominion, George Rogers Clark, who conquered that country? and did not Virginia, in the true spirit of her chivalry, graciously and generously surrender the whole of those lands to the United States? Now, sir, what common blood and treasure were expended in all this? Who, sir, has since defended those lands? Has not that been done in two wars by the gallant sons of the West? Look, sir, at the movements of the troops last summer. Look at the names of those noble sons of the West. What common claim has any but the West to the fame of the heroic Dodge, of whom it may be said he was born, trained, and seasoned in all the hardships, all the privations and dangers of the West, and is justly entitled to a share in all her glories? Tell me not about your claim being founded on the expenditure of common blood and treasure. Do not the labors and improvements made and laid out by people of the West enhance the value of the common domain? I should not have drawn this distinction, but they were elicited by the argument of the Senator from Kentucky, [Mr. Clay.] The Senator says, this law will be evaded like the settlement rights of Kentucky. He has impeached the honesty of the West, and said they will join together to defraud the Government—the people will swear for each other. He taunts their poverty, too; calls their houses wigwams, huts, lodges, and, indeed, has compared them to turkey pens. Sir, if we are poor and rough, we are honest, and loyal to the Government; we will neither cheat nor desert our country. Sir, has the gentleman wholly forgotten that he was himself once a Western man? and that this same voice which now derides, once gloriously and triumphantly defended them? And, sir, those were the proudest days of his whole life, to which, I have no doubt, he often looked with mingled feelings of pleasure and regret. Sir, how will the lofty spirits of the West meet this cold rebuke from one who once was their idol, and who yet commands the affections of thousands there? I could, sir, myself have desired the omission of that part of the Senator's argument: but, sir, the Rubicon is past. He would have it so. Let us look a little at this argument. He says the law will be evaded by fraud. How, sir, can this be? Has not the General Government land offices posted over the whole country? Will it not be their duty to see that the provisions of the law are complied with? And if any one is base enough to attempt, by forgery or otherwise, to defraud the Government, it will be very easy to detect all such. This was not the case in Kentucky when those settlement rights were taken up. The settlements in the country were sparse, and none were appointed to take care of the lands. But, sir, I did not think even then the people deserved the broad denunciation we have heard. However, the Senator is from Kentucky; and he best knows the character of his constituents. But all I will say is, that Kentucky is my native State, and I hoped better of her. I have often been proud to say that I am the grandson of the Old Dominion, and the son of Kentucky.

Mr. President: this amendment, I repeat, presents the true interest of the new States; and whilst there is hope, let us not despair. The principle is gaining ground; we have now an open expression of the Executive in support of it. I would say to the new States and their friend, not to substitute any project which may delude and lead us from our interest and duty. Let us, then, adhere to the amendment, and reject the bill; and if the amendment does not yet do us justice, we may still improve the principle. But, sir, how can we expect to obtain a reduction, if now the principle of reduction is rejected by rejecting the amendment? We commit ourselves, against our own desire, to reduce; one of the very objects of the bill is to prevent a reduction; and shall we swallow the hook in the bait that is set for us? Or if the original bill must pass, I pray gentlemen friendly to the principle of reduction to retain the amendment with the bill, and thus save the principle of reduction; but if we now take the bill without the amendment, there is an end to all hope forever: this very vote is an expression against us, and the inevitable operation of the bill will forever close the door against us. Let us reduce the price of those lands to a fair price. What objection can there possibly be to putting public lands on a fair footing with private lands that lie in the same State or neighborhood? All other property within the last fifteen years has come down; and why not these lands? Sir, seventy-five cents per acre is a better and fairer price now, than one dollar and twenty-five cents fifteen or twenty years past. Sir, private lands are now, in Missouri, with improvements, selling for a lower relative price than the public lands; yet, gentlemen say, if we reduce those lands, speculators will be benefited, where now, in consequence of the high price of those public lands, private lands are sold by the speculator, on better terms for the purchaser, than the public lands are sold. The Senator from Kentucky says, the reason why those second-rate lands do not sell in Missouri is, because the emigration does not go there as it has in others; that people will not buy lands until they are ready to go on them. In this he is entirely wrong, and shows that he does not understand the subject. Sir, let any one look at the manner in which the country is settled, and the quality of the land sold and that unsold, and the location of those lands, and he will see that he is entirely misinformed, and, besides, does not at all know that people do not wait to settle on lands before they buy, or even to remove to the country. Do not many purchase lands that never settle on them, or migrate to the country at all? Sir, what quantities of land are owned by non-residents in all the new States!

Mr. President, I have done with the argument; I come to a close. I have attempted to explain my views on this subject, and now leave it to be decided by others.

Monday, January 14.

ENDLESS LIFE.

Mr. CLAY presented the petition of Leonard Jones and Henry Banta, of Kentucky, representing themselves subjects of endless life, who had made important discoveries connected with the morals, religion, and eternal existence of man, and asking a grant of land for the purpose of enabling them to extend and propagate their discovery.

Mr. C. remarked that he felt some doubts as to the propriety of presenting this petition; but as it was couched in respectful language, he had concluded to submit it, lest, by neglecting to do so, he might incur the endless enmity of the petitioners. The memorial asked for a grant of public lands, upon terms which were very modestly left entirely to the discretion of Congress. They would accept of them even in perpetuity; but if, as they intimated, they had discovered the secret of living forever, he would suggest to the Committee on Public Lands the propriety of scrutinizing the subject before they complied with the prayer of the memorialists. Mr. C. moved to refer the petition to the Committee on Public Lands, which was agreed to.

FRENCH SPOLIATIONS.

Mr. WEBSTER, pursuant to notice previously given, moved that the Senate now proceed to the consideration of the bill to indemnify certain citizens of the United States for spoliations committed on their commerce by the French prior to 1800.

Mr. CLAY expressed his regret that the motion should be made at this time, when the discussion of the bill relative to the public lands was unfinished. That subject had been before the Senate for some days, and might be speedily disposed of. But if the French spoliations were to be taken up and discussed, it would occupy several days, and probably the whole week. As to the importance of the two subjects, without intending to undervalue the bill which was the subject of the present motion, he must be allowed to give precedence to the former.

Mr. BUCKNER expressed his willingness, in consequence of indisposition, to waive his right to the floor, in order to conclude his remarks. [Mr. B. had delivered, the day before, only a part of the speech which is given above, and was to-day entitled to the floor.] He preferred that the Spoliation Bill be taken up to-day, and the subject of the public lands should be allowed to lie over until to-morrow.

Mr. CHAMBERS expressed a hope that the Senator from Kentucky would withdraw his objection, as the gentleman from Missouri had expressed his desire to delay the residue of his remarks until to-morrow.

Mr. CLAY persisted in his opposition, and stated that he should consider a decision not to take up the Land Bill as equivalent to a decision to leave it unacted on for the rest of the session. He thought the gentleman from Missouri looked remarkably well, and quite competent to continue the debate. He then asked for the yeas and nays on the motion, which were accordingly ordered.

After a few remarks from Messrs. WEBSTER, SPRAGUE, and FORSYTH, the question was taken on the motion of Mr. WEBSTER, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Buckner, Chambers, Dallas, Dudley, Forsyth, Grundy, Hendricks, Hill, Holmes, Kane, King, Miller, Moore, Robinson, Silsbee, Smith, Tipton, Webster, Wilkins, White—24.

NAYS.—Messrs. Bell, Clay, Clayton, Dickerson, Ewing, Foot, Frelinghuysen, Knight, Naudain, Poindexter, Prentiss, Robbins, Seymour, Sprague—14.

So the Senate agreed to consider the bill; and the bill being then before the Senate, as in Committee of the Whole:

Mr. WEBSTER, in a speech of about two hours, developed the principles of the bill, and the grounds on which it was reported by the committee, and on which he should advocate its passage.

Mr. TYLER then explained the difficulty he felt in bringing his mind to embrace this important subject, after so long an interval had transpired since he had looked into the subject; and moved to lay the bill on the table.

Mr. WEBSTER acquiesced in the motion, which was carried.

On motion of Mr. BENTON, the Senate then proceeded to the consideration of executive business.

After the doors were re-opened,

Mr. CALHOUN laid on the table the following resolution:

Resolved, That the President be requested to lay before the Senate a copy of his proclamation of the 10th of December last; and also the authenticated copies of the ordinance of the people of the State of South Carolina, with the documents accompanying the same; and of the proclamation of the Governor of the State of South Carolina of the 20th of December last, which was transmitted to him by the Executive of that State, with the request that he should lay them before Congress.

The Senate then adjourned.

TUESDAY, JANUARY 15.

PROCLAMATION.

The resolution offered yesterday by Mr. CALHOUN was then taken up for consideration.

Mr. KING rose, not, as he said, for the purpose of entering into a discussion of the resolution; but his object in rising was merely to state, for the information of the Senator from South Carolina, the reason why he might perhaps think it not expedient to press the consideration of his resolution at this time. It might lead to a discussion which would be found not to be necessary. A message from the President would be received, perhaps, today or to-morrow, which would communicate the documents called for by this resolution. They would have been communicated to the Senate before this time, but that a delay had taken place in endeavoring to obtain an authenticated copy of some of the documents from South Carolina. He thought, therefore, that the proper course would be to lay the resolution, for the present, on the table.

Mr. GRUNDY then rose, and stated that he was authorized to say that the Senator from South Carolina would, on Thursday next, or perhaps earlier, receive all the documents called for by this resolution, and much more, in a communication from the President. And the reason why the papers had not been communicated at an earlier period was, that a copy of the act of Assembly could not be procured in an authentic form; but the documents would be communicated, whether such copy should be obtained or not. He hoped the Senator would not, under this assurance, insist on the present action of the Senate upon his resolution, but would suffer it to lie on the table.

Mr. CALHOUN said he certainly should not object, under the circumstances, to the laying of his resolution, for the present, on the table. His object had been merely to obtain these documents, to be laid before the Senate. And he thought it proper to say that he did not expect any such discussion on the subject as gentlemen seemed to have anticipated. It had not been his object to cast censure any where, but only to bring the documents into the possession of the Senate. They were, in his opinion, connected with a most important issue—an issue which in importance had never been surpassed in the history of this country, not even at the time when the Declaration of Independence was published. Under this impression, he had brought forward his resolution to bring the papers before the Senate. If any Senator thought proper to move to lay the resolution on the table, he should make no objection to the course.

On motion of Mr. GRUNDY, the resolution was then laid on the table.

PUBLIC LANDS.

The Senate then resumed the bill to appropriate, for a limited time, the proceeds of the sales of the public lands, &c.

Mr. BUCKNER continued, and concluded his remarks in support of the amendment, (as given above.)

The Senate adjourned.

WEDNESDAY, JANUARY 16.

SOUTH CAROLINA.

A message was received from the President of the United States, transmitting copies of the proclamation and other documents relating to South Carolina, her ordinance, &c. &c.

The reading of the message occupied an hour and a quarter. As soon as it was finished—

Mr. GRUNDY moved to refer the message and documents to the Committee on the Judiciary, and that they be printed.

Mr. CALHOUN then rose and said, that his object in taking the floor was not to make any remark on the motion which was immediately before the Senate. What he was about to say, therefore, would, under parliamentary rule, be entirely out of order. But he would, in the peculiar circumstances of his situation, throw himself on the indulgence of the Senate for his pardon for the entire irrelevance of the remarks which he should feel himself bound to make.

He felt no disposition to notice many of the errors which the message contained in reference to the documents by which it was accompanied, but there was one which he should deem himself a recreant to his State if he did not rise emphatically and promptly to notice. It was stated by the Chief Magistrate, in substance, that the movements made by the State of South Carolina were of a character hostile to the Union. Was he right in this impression? If so, he would say that there was not a shadow of foundation for such a statement. There was not a State in the Union less disposed than South Carolina to put herself in such attitude of hostility. But the grounds on which the President founds this inference were not less extraordinary than the inference itself. When he stated that hostile movements had been made, it was to be regretted that the President did not state the whole of the movements of this character which had taken place. Before South Carolina had taken any position of a conflicting character, there had been a concentration of United States' troops on two points, obviously for the purpose of controlling the movements of the State. One of these concentrations was at Augusta, and the other at Charleston. Previous to this circumstance, the State of South Carolina had looked to nothing beyond a civil process, and had intended merely to give effect to her opposition in the form of a suit at law. It was only when a military force was displayed on her borders, and in her limits, and when the menace was thrown out against the lives of her citizens, and of their wives and children, that they found themselves driven to an attitude of resistance. Then it was that they all prepared to resist any aggression.

But the President had also rested his inference on another ground. He had laid it down, that the tribunal of the Supreme Court of the United States was, in the last resort, the only arbiter of the difference in the construction of the constitutionality of the laws. On this point there seems to have been a great change in the opinion of the Executive within the last twelve months. The President had not held this opinion in reference to the resistance of the State of Georgia. A narrow river only divides the territory of Georgia from that of South Carolina; yet, on the one side, the power of the Supreme Court, as the arbiter in the last resort, is to be sustained; while, on the other side, the will of the Executive is to be supreme.

But, if the Supreme Court was to be the arbiter, he wished to know in what manner the decision of that tribunal, as to the constitutionality of the tariff law as a measure of protection, was to be obtained? How was an issue to be made up? This mode had already been tried in the case of Holmes, a citizen of Charleston, and the court had declared its incapacity to act, for want of jurisdiction, and refused to take cognizance of the subject. He wished to know why this circumstance had been suppressed—no, suppressed was too strong a term—forgotten in the message of the Executive. It will be remembered that when the bill of 1828 was introduced, which had been justly called by the Senator from Massachusetts a bill of abominations, a representative from South Carolina had ineffectually endeavored to obtain an amendment of the title of it, so that it might bear on its face the character of protection, which belonged to it. But it was sent abroad under a delusive and deceptive name. How, then, was South Carolina to try the question? Even if she had every reliance on the authority of the Supreme Court, she could not obtain the judgment of that court. What course, then, was left for South Carolina, but that which she had pursued?

It was also suggested in the message of the Executive, that the State ought to have resorted to the other remedy which was pointed out, and asked at an earlier period for a convention of the States, in order to amend the constitution. South Carolina had been prevented from making applications on this subject. She had wished over and over again to obtain a convention, but she had uniformly found a fixed majority in both Houses against her. How, then, was she to obtain the acquiescence of the constitutional majority of two-thirds of the two Houses? Under these circumstances, she made no application until the State itself had declared it unconstitutional, and the emergency arose which called for it.

These were all the remarks which he considered himself called on to make at this moment in reference to the errors of the message of the Executive.

It was obvious that the country had now reached a crisis. It had been often said that every thing which lives carries in itself the elements of its own destruction. This principle was no less applicable to political, than to physical constructions. The principle of decay is to be found in our institutions; and, unless it can be checked and corrected in its course, by the wisdom of the Federal Government, its operation will form no exception to the general course of events. The only cause of wonder, in his opinion, was, that our Union had continued so long; that, at the end of forty-four years, our Government should still retain its original form. He considered that, to the great event of 1801, the success of the party which had elevated Mr. Jefferson to the Presidency, was mainly to be attributed this duration. Nothing but the elevation of that individual had prevented the earlier termination of an experiment. But the time had at length come when we are required to decide whether this shall be a confederacy any longer, or whether it shall give way to a consolidated Government. He called on Senators solemnly to pause and deliberate on this important question. As he lived, he believed that the continuance of any consolidated Government was impossible. It must inevitably lead to a military despotism. At this moment, without having been brought into contact with any adverse circumstances, without any conflicting causes, in a time of peace, and under the influence of an unexampled prosperity, our Union stands on the eve of dissolution or the verge of a civil war. How was this? Was it not attributable to the powerful workings of the consolidating principle?

In this widely extended republic there has been, of necessity, an active conflict of interests. In one portion a system works beneficially, which is found to be oppressive in another portion. The system of protection is said to operate to the advantage of those parts of the country which are the strongest. Every one said so, and, therefore, he was bound to believe so. But in the weakest portions of the country there was scarcely to be found one who would not, if he had the power, put down the system of protection. There were thus different views on both sides. How was this to operate? He intended, in nothing which he should say, to make any personal references. It was his wish to argue the subject solely on philosophical grounds. A President is elected, and comes into power; his policy necessarily conforms to that of the party by which he is chosen. It cannot be otherwise. The tariff party, for example, support as their candidate a gentleman who is known to be in favor of their views. He did not condemn this: it was the natural and unavoidable course of things. The opposite side must then take up one as their candidate, whose opinions on the subject of protection are less marked, but who may be sustained by a portion of the tariff party, because he is for that system to a certain extent, and by a portion of the anti-tariff States, because he is less hostile to their interests than his competitor. By this combination a triumph is obtained. He who comes into power in this manner, if he is possessed of any intelligence, can never be dislodged. How can he? He takes a middle ground between the North and the South. If one interest attempts to make a forward movement, the other side has occupied the ground. And, by this means, burdens to the amount of thirty millions, without the Post Office Department, and, including that department, thirty-two millions, are imposed upon the country, under the pretence of revenue—an amount considerably greater than the value of any single one of the great interests of the country—exceeding the whole amount of the cotton crop, or the entire value of the shipping interest. Thus, identifying himself neither with tariff nor anti-tariff, bank nor anti-bank, internal improvement nor anti-internal improvement, he cannot be dislodged. What is the result? The system of oppression goes on. The weaker side sees it is a hopeless case, and makes resistance. The stronger still adheres to the system. The middle power is then thrown to the stronger side, and the stronger calls in force which puts down reason. This was the process of consolidation. Gentlemen might contend that this was not a question of consolidation; but it is consolidation. And he could see no distinction between a consolidated Government and one which assumed the right of judging of the propriety of interposing military power to coerce a State.

We (said Mr. C.) made no such Government. South Carolina sanctioned no such Government. She entered the confederacy with the understanding that a State, in the last resort, has a right to judge of the expediency of resistance to oppression, or secession from the Union. And for so doing it is that we are threatened to have our throats cut, and those of our wives and children. No—I go too far. I did not intend to use language so strong. The Chief Magistrate had not yet recommended so desperate a remedy. The present is a great question, and the liberties of the American people depend upon the decision of it. It was impossible that a consolidated Government could exist in this country; it never can. Did I say in this country? It never can exist in any country. If any man would look into the history of the world, and find any single case in which the government of absolute majority, unchecked by any constitutional restraints, had lasted one century, he would yield the question. For himself, he had been, from his earliest life, deeply attached to the Union; and he felt, with a proportionate intensity, the importance of this question. In his early youth he had cherished a deep and enthusiastic admiration of this Union. He had looked on its progress with rapture, and encouraged the most sanguine expectations of its endurance. He still believed that if it could be conformed to the principles of 1798, as they were then construed, it might endure forever. Bring back the Government to those principles, and he would be the last to abandon it, and South Carolina would be amongst its warmest advocates. But depart from these principles, and in the course of ten years we shall degenerate into a military despotism. The cry had been raised, "the Union is in danger." He knew of no other danger but that of military despotism. He would proclaim it on this floor, that this was the greatest danger with which it was menaced—a danger the greatest which any country had to apprehend.

He begged pardon for the warmth with which he had expressed himself. Unbecoming as he knew that warmth to be, he must throw himself on his country and his countrymen for indulgence. Situated as he was, and feeling as he did, he could not have spoken otherwise.

Mr. FORSYTH said, on the motion to refer, all observations on the merits of the President's message were irrelevant and irregular.

Mr. CALHOUN said he had so stated in the outset of his remarks, and apologized for it.

Mr. FORSYTH.—True, the Senator from South Carolina had admitted the existence of the rule, and had given the best possible excuse for the violation of it. Mr. F. had no such excuse to offer; therefore, should not follow the example.

The President has, in the execution of his duty, frankly and openly expressed his opinions, and the facts and reasons upon which they were founded. The Senator from South Carolina, on the part of his State, had interposed his denial. The issue is fairly made; the competent tribunal will decide. There was one of the remarks of the Senator Mr. F. felt himself bound promptly to notice, lest his silence might be construed into acquiescence. The President is charged with inconsistency of opinion in the cases of South Carolina and Georgia.

[Mr. C. explained. He alluded only to the opinion that the Supreme Court was a final arbiter.]

Mr. F. said it was not important as to the extent of the allusion. As the sole representative at present [Governor TROUP is confined by indisposition] of Georgia, he must protest against the case of Georgia being confounded with that of South Carolina. He had, on a former occasion, endeavored to demonstrate to the Senate the distinction between the two cases: he was ready again to show the distinction between them, and to defend its justness. To others it might not be so, but to the great body of the people of Georgia it was obvious and palpable. The honorable Senator had assured the Senate that no State loved the Union more than the State of South Carolina. Mr. F. heard this declaration from such high authority with pleasure. It must be confessed that the course of the State had placed the object of their love in extreme danger. Mr. F. congratulated the Senate, that, notwithstanding the threatening appearance, there was no danger to the public peace. The Chief Magistrate pledges himself not to resort to any but defensive force; and the Senator from South Carolina tells us that South Carolina has no desire to use force unless assailed. The hope might be indulged that all these pledges would be redeemed: if they were, force would not be used.

The motion was then agreed to.

On motion of Mr. GRUNDY, 3,000 extra copies of the message and documents were ordered to be printed.

Mr. POINDEXTER laid on the table certain amendments which he proposed to make in the bill appropriating, for a limited time, the proceeds of the public lands, &c.

PUBLIC LANDS.

The Senate then proceeded to the consideration of the bill appropriating, for a limited time, the proceeds of the public lands, &c.

Mr. BLACK, of Mississippi, said, but for the peculiar situation in which he was placed, after so much having been said on this subject, both at the present and last session of Congress, and said, too, by gentlemen who justly command a high reputation for their wisdom and experience in national affairs, he should not have troubled the Senate with any remarks. He trusted, however, that the importance of the subject, involving, perhaps, the tranquillity of the Union, and certainly the prosperity of the State he had the honor in part to represent, would plead his apology for asking for a few moments the attention of the Senate.

We who represent the new States (said Mr. B.) have been especially invited by gentlemen to enlist with them in this service. To some of us has been offered the imposing consideration of five hundred thousand acres of land, and twelve per cent. on the amount of sales as bounty; and our dividend with them proportioned according to federal numbers as yearly pay. For one, I have determined to refuse the bounty, reject the pay, and to decline the service. I am well aware, that in so doing, my judgment will be called in question by many, even of those whose good opinions I have been accustomed to value. To vindicate, therefore, the conclusions to which I have come in this matter, I will state in a brief, but I fear a desultory manner, the reasons which have induced them.

The earnestness with which this measure was brought forward, and the zeal with which it has been pressed upon the Senate, cannot have escaped the observation of any. It is feared that these symptoms manifest on the part of some a wish to press this question through the Senate, that it may have an important bearing on another measure which will probably come up, with which this is intimately connected. My allusion, sir, is to a reduction of the duties on imports. It is my intention to abstain from any remarks on this interesting, too exciting, and, I had almost said, awful subject. I have alluded to it for the purpose of giving it as my opinion, and I submit it with deference to the Senate, that, under existing circumstances, no obstacle should be permitted to intervene between us and the adjustment, and the speedy adjustment, of that question. It is thought that the amount of duties may be reduced six millions; let this bill pass, and we shall instantly be told that the estimate made is incorrect—that three millions arising from the sales of public lands having been abstracted, a deduction of fifty per cent. from the estimate must be made. The three millions being taken away, other three millions, arising from the duties on imports, must supply the place of it. That there is no difference between taking this money and other money from the treasury, to the amount of current disbursements, on account of land, is too palpable to be denied. The officers attached to the Land Office Department are to be quartered on the treasury. Their salaries, amounting annually to ———, all the expense of surveying and bringing the land to sale, the expense of making future Indian treaties, and, if those are already made, (the amount requisite for which is estimated at near two and a half millions,) the expense of annuities to Indians, with which the lands properly stand chargeable, are to be paid by the operations of the custom-house. To meet all these demands, under our present engagements, nearly one and a half millions will be required annually for several years. An increase on this sum, in effecting other Indian treaties, and carrying them into effect, may be expected to a large amount, which, in a few years, coupled with the common current expense on account of the public lands, will make a considerable outlet for the surplus revenue, which, at present, threatens to become troublesome on our hands. If this goes into operation, we expect, in future, to hear no more resolutions to suspend the surveys of the public land, but any and every expense relating to lands borne without a murmur, so long as it is not to come out of this distribution fund. The South has complained, and justly too, of the unequal operation of the present system of revenue laws. It is unequal, unjust, and oppressive. Its baneful effects upon the prosperity of the South have been severely felt, while the collection of revenue was confined to a sufficient sum to pay the necessary disbursements of the Government, and a portion yearly of the national debt. Against this oppression they have remonstrated times almost without number, with no effect. This measure, in addition to paying to the revenue as heretofore, will have the effect in its operation to force out of them yearly a sum for distribution among the States. Why add injustice to that already complained of? Will it not, particularly at such a time as this, be received ungraciously? Sir, it was the last pound added to the burden of the camel which destroyed the animal.

Have gentlemen well considered this system of distributing money among the States in all its tendencies and consequences? Have they fully weighed all the bearings which it will naturally have, or be made to have, on our relations between State and Federal Governments? Can gentlemen give us any assurance that, this sum being at first distributed, other and larger amounts will not be demanded, and the strong arm of the Government made use of to raise the money? Can we be assured that the General Government, having the power to raise funds and distribute them, will not in time be enabled to buy up the assent of the States to the exercise of any and every power? I think my friend from Kentucky, [Mr. Bibb,] when he spoke of force being necessary to carry down this system, if he had looked into futurity, would have seen a period not far distant when it will be uncalled for. By a plentiful use of the silver, there will be no necessity for the steel. Sir, we are, I fear, on the eve of taking a step in national policy, the full effect of which after generations will alone be able to determine. The desire of gain and aggrandizement, although planted in the human bosom for the wisest of purposes, is yet a dangerous passion. Who can tell to what dereliction of principle the corrupt and corrupting use of money will not lead? The history of our own and former times furnishes innumerable instances. It was the thirty pieces of silver which procured the surrender of the Saviour of the universe.

The honorable Senator from Kentucky [Mr. Clay] has pictured in glowing colors the beautiful prospect of this Union cemented in more perfect amity for ages to come by the interest which each State will have in the distribution of the funds from these public lands. If I thought a consummation so desirable could be realized, no objection would be made, although it were all at our expense. I should fear to call in the assistance of the sordid passion of avarice to the noble feeling of patriotism, heretofore considered the best security of our Union. It would be safer to depend for the permanency of our Union upon that high veneration which all must feel for those institutions bequeathed to us by our ancestors, the rich purchase of their blood; upon that love which one portion of our country must bear to those of another, as brethren and countrymen; upon that pride to which the bosom of no true American is a stranger, when he looks upon this his country and native land. Our country, governed by the constitution and just laws, must always present an object of veneration, love, and pride. Our Government is a noble model from the hands of masters. Its ruin would be that of a mighty fabric; an unenviable immortality is secured to him who procures its downfall; his case will be parallel with that of the dark angel of heaven, and his doom will be the same. I hope, sir, not to see the day when my country shall be divided into distinct communities, or States, separated by irreconcilable jealousies and eternal wars. I will not enlarge on this unwelcome topic. There is a legal question arising on the construction of the acts of cession of the several States. The lands are declared to be a fund, after the payment of the revolutionary debt, for the benefit of all, the States ceding the lands included. The Government, though having a general power to dispose of the lands, is yet charged with the trust to see that the lands, or the proceeds, are disposed of for the benefit and advantage of all. Would not this be a transfer of the trusteeship to the different States? Would it not be substituting them, instead of the Government, to see that the object of the grant be effected? Whether these lands, or the money arising from the sale of them, be disposed of for the benefit and advantage of all, must depend upon the use or disposition made of the lands or money. If a State should expend the money on internal improvements of a local nature, or on some work suggested by whim or desire of popularity, it would not be contended that this expenditure would be for the general good. The power to appropriate the funds on internal improvements, given by this bill to the several States, is not confined to that description which will be generally beneficial. As to colonization being of general benefit, the remarks of my friend from Kentucky [Mr. Bibb] have been full and sufficient. Power is also given to the States to pay off their old debts with this money, without reference to the objects on account of which the money for which the debt was contracted had been expended, and without reference to the nature of the debt itself. It may be that the States, some or all of them, will appropriate the money in such way as to be for the benefit and advantage of all; but that they have the power to do otherwise is too apparent. The claim which some of the new States have set up to the right both of jurisdiction and property over the public domain, has a direct bearing on this measure. The States of Indiana and Mississippi, by solemn resolutions of their Legislatures, have asserted this claim. The Governor of Illinois, in his annual message, set up the claim of that State. I am not prepared to urge any thing in favor of this pretension, but honorable Senators who represent those States cannot vote for this measure without an entire surrender of all such right claimed by these States. This would be an exercise of power over these lands entirely inconsistent with the ownership on the part of the States. Another objection to this bill arises on the part of the new States, on the ground of expediency. It will have a tendency to perpetuate the present high price of the public land, when all the States shall become directly interested in the amount of the sale. They will then hoard the lands up as their particular and special treasure, offering for sale only small quantities, and forcing off the inferior land at the same price with the good. Indeed, we have been told in this debate that this is to be a source of revenue to the States for five hundred years. We need not expect to see the prices reduced and graduated if this measure be successful. We have seen, with the present system in force, that our complaints on this subject have not been listened to, and our memorials have gone unheeded.

The gentleman from Kentucky [MR. CLAY] has told us in his speech and in his report, that the price of the public land ought not to be reduced; that the large quantity remaining unsold is no evidence that the land is worth less than the minimum price; but that it is for the want of demand. It is admitted that there is a large quantity of public land sold yearly of better quality than the large bodies which remain unsold. The reason of large quantities remaining on hand, for which there are no purchasers, is found in the want of quality in the land itself. I will illustrate my idea of the state of the case by a familiar, and, I think, a parallel example. Suppose a merchant ships large quantities of goods, (Kentucky bagging, if you please;) he sells all, except one lot, at a particular price; that lot remains on hand after all is sold, and while others are selling daily in the same market lots of the same goods at the same price; in a short time the merchant would begin to conclude that there was something in the quality of the goods on hand which caused them not to sell. Now, if the shipper were wealthy, and able to engross all the goods of this description in market, he might be enabled to force off the inferior for the same price that the superior article sold at, by making a high demand in market. In the same manner the inferior lands may be forced at the price of superior quality. This does not prove that those lands are now worth the minimum price, but that they may in time be forced off at it, by holding them up. I will submit whether it is the part of a paternal Government, anxious to foster the interests of all alike, to act the part of the stock-jobbing monopolizer; instead of disposing of the land at the price which it is now worth, to hold them up for a better price, for ages, to the great injury of the poor people within the limits of the State in which they are situated, and to the disadvantage of the States themselves? What is the opinion on this subject of the States in which these lands are situated? The States of Louisiana, Alabama, Mississippi, Indiana, Illinois, and Missouri, have, by frequent memorials, declared that the prices should be graduated and reduced; that holding up the refuse lands within their limits operates injuriously, by retarding their growth, and keeping many of their citizens from becoming freeholders. In support of these opinions, frequently expressed, the returns of the registers and receivers, making an estimate of the average value of the public lands, show it to be in every State far below the minimum price. Not more than one-twentieth part of the vacant land is said to be of first quality in any State, and the average value in some of the States not more than thirty cents, and in none, I think, more than one-half the minimum price. From an extensive acquaintance with the public lands in the Southwest, I am of opinion that the estimate made by most of those officers is much too high.

The policy pursued by this Government never was followed by any other under the sun. When Spain held a part of the Southwest, she thought it her interest to encourage the settlement of the country, and gave to every citizen who would settle the land as much as was necessary for his comfort and convenience. France and Great Britain, in different portions of the country, did the same. The republic of Mexico, by holding out the same inducement, is drawing daily to its territory numbers of our respectable citizens. In that section of the country where the public domain was thus disposed of by France and Spain, previous to the purchase by the United States, the advantage which the country derived from it is apparent at the present day. Every man there is a freeholder, interested in the soil, and his house and home is his own. That portion of the territory which subsequently fell within the limits of the State of Mississippi, although poor, is well settled by inhabitants who are sober, industrious, and hospitable. If the land had not been given away, it would never have been settled. The settlement of Kentucky was greatly accelerated by the terms on which the lands were disposed of, under different regulations. Settlements were encouraged; the prices were graduated at different times, until it was eventually sold to settlers at twenty-five cents the acre. Although the honorable Senator from Kentucky [MR. CLAY] has spoken in somewhat humble terms of the improvements made by the first settlers, yet I do not doubt but that much of the comfort and prosperity of the yeomanry of that State is attributable to their having obtained lands, on account of these improvements thought so inconsiderable. In the State of Maine, lands of inferior quality were disposed of at thirty cents. There is no doubt but the honorable Senators from that State have seen the happy influence on their prosperity, produced by the cheapness of land. Will they, having seen these advantages, unite with others in perpetuating on us an onerous system? In the States of Alabama, Mississippi, and Louisiana, it is an object of great importance that the lands of inferior quality shall be offered at such prices as will induce the settlement of them. The most fertile land is settled by rich planters, having numbers of slaves; the second-rate land is taken up exclusively by those who have few or no slaves. The general settlement of these lands will add greatly to the strength and security of the whole State. Those portions of the State having a dense colored population will be protected by the proximity of the white population on these lands.

The Government is required, by the act of cession of Georgia, to "dispose" of them. The Government is not to hold them forever without offering them for sale, nor to offer them at prices at which they will not sell; which amounts, in fact, to not offering them at all; but to "dispose of them" for the common benefit.

The five hundred thousand acres is thrown into one section of the bill as a douceur for those States for whom it is intended; but it will be recollected that this is their proportionate part with the other new States for objects of internal improvements. The State of Ohio has received 922,937 acres, Indiana 384,728, Illinois 480,000, and Alabama 400,000 acres. These donations have been made for specific internal improvements, the completion of which, it was thought, would advance the prosperity of the States in which they were severally undertaken, and at the same time enhance the value of the public land. When it can be shown that both these great objects can be effected, there can be no objection, either on the score of principle, or constitutional objection, to the State of Mississippi receiving a similar donation. We expect to be able to show, within the State of Mississippi, objects of internal improvement which will command the favorable attention of Congress; and we expect that the same liberality and principle which dictated the propriety of these liberal grants to other States will also accord the same for Mississippi. Unless, on the same showing of facts which induced these donations, a similar benefit, in like manner, and for like purposes, should be extended to Mississippi and the other States—claims which have been heretofore overlooked or pretermitted—it would savour of rank favoritism. There can be no doubt but the claims of Mississippi will be properly appreciated in this respect on a proper showing of facts. I do not know that it would be amiss that I should here mention, in connexion with this branch of the subject, that there is one work of internal improvement of great consequence, both to the State of Mississippi and the United States. The Mississippi, below the mouth of the Arkansas, makes into the Yazoo by means of a bayou, navigable at high water, and requiring but little labor and expense to make the navigation perfect at all times for flat, keel, and steamboats. This pass runs through large bodies of the public land, of the richest quality, which would be greatly increased in value by the completion of this work. Other objects of improvement of equal importance, demanding of Congress a favorable attention, may also be presented. It is hoped that so much of this bill as makes the appropriation of land to Louisiana, Missouri, and Mississippi, will not depend upon the success or failure of the project to distribute the public funds. This was originally introduced as a separate and distinct proposition, by a distinct and separate bill; it has been incorporated into this bill. It is hoped that the two propositions may be considered separately, and that the one may not be made to depend upon the other. The honorable Senator from Kentucky [Mr. CLAY] has said that the seventeen per cent. on the amount of sales in the new States, which is to be severally allotted to each, will be equal to the full amount of what the resident citizens of these States will pay for public lands; and this he undertakes to prove by the progressive population of these States. Let the State of Mississippi be taken for an example, (some of the new States have increased faster,) the population of which was in 1820, 40,352 white inhabitants; in 1830, 70,448 white inhabitants; showing an increase of little more than six per cent. per annum. Of this increase, it would be fair to suppose four per cent. arose from emigration. Now, sir, it is an extreme case to put, when we say that these four emigrants, which are yearly added to each hundred inhabitants, yearly pay eighty-three per cent. on the amount of sales.

The amendment proposed by the Committee on Public Lands proposes to reduce the price of the lands, after they have regularly been proclaimed for sale, offered, and not sold at one dollar and twenty-five cents per acre, to one dollar per acre. It proposes, when the land has been thus offered, and not disposed of at public sale, to put the price to actual settlers, who will inhabit and cultivate them for five years, at fifty cents per acre—each head of a family, or young man over twenty-one, or widow, being entitled to a permit to settle one quarter section, or one hundred and sixty acres. That which is worth a dollar and a quarter per acre will be sold and disposed of at public sale; that which is worth less, will be put in favor of actual settlers at fifty cents. There will be no such opportunity for speculation as has been supposed; requiring the purchaser to inhabit and cultivate the soil for five years would of itself be a sufficient guard against this. The quantity which each purchaser may enter on these terms, being one hundred and sixty acres, would prevent it. The speculator will aim at lands of greater value, and will purchase in larger quantities. What! a speculator in lands buy and live on one hundred and sixty acres five years, to make money on his purchase! The idea is inadmissible. It will be the poor, or those in moderate circumstances, who alone will be benefited by it, and if it be entitled to favor in the eyes of any Senator on that account, this provision is peculiarly, and almost exclusively, for the advantage of that class who have but little wealth.

I hope to see not only this measure of relief afforded to the poor, by which it will be within the means of all to secure a home, but also those who may have settled the lands prior to sale, secured against the cupidity of speculators, by being entitled by law to the pre-emption.

Instead of this measure of reduction lessening the revenue arising from the public lands, it will increase it, by causing all who live on these lands to become purchasers. A great quantity of land will be disposed of, which would, at present prices, remain on hand for ages. If it be viewed as a matter of pecuniary interest only, the Government would be greatly gainer by disposing of the public domain at a moderate price, rather than hold it for a great length of time for higher prices. The use of the money from this to the time when it will probably sell, would amount to more than the difference in price.

The honorable Senator from Kentucky has called upon the Senators from the new States to say whether this bill does not propose advantages over the present system. I would answer that it does; for any return of the money to the States from which it is taken would be some advantage, however small this return might be. This bill proposes a return of part of the money received from the people of the new States into the treasury of these States. The amendment would save to the "working people" of the State three-fifths of the amount they pay for land. Supposing that amount in Mississippi to be two hundred thousand dollars, (which is a little under the true amount,) they would save one hundred and twenty thousand dollars.

The bill from the Committee on Manufactures proposes to put into the State treasury seventeen per cent. on the amount of sales, and a dividend proportioned according to federal numbers. The per cent. would be thirty thousand dollars; the proper dividend of the State would be upwards of twenty-three thousand; making an amount of nearly fifty-four thousand dollars. The advantage in amount to the State does not equal the amount the amendment proposes to the purchasers or the people. It will be more politic to bestow benefits upon the latter, in my opinion, than the former. Sir, I am in favor of the "working men." So long as they continue prosperous, independent, and free, the State must be in sound condition. They are the only support and dependence of the State when her rights are to be asserted, or her honor to be vindicated, and are ever ready at the call of duty. They can at any time fill the treasury full to overflowing, and are ready to put both hands into their pockets whenever there is need. I prefer a measure which gives advantages to them, to putting money into the State treasury, perhaps to be squandered.

Sir, the honorable Senator from Kentucky [Mr. CLAY] has intimated that the new States would do well to accept this proposition, lest they may not be able hereafter to obtain so favorable terms. From the symptoms already indicated, there is too little doubt but they will find, whenever they shall become willing to distribute the funds of the Government, sufficient numbers will join them, more especially when they are exclusively the paying party, and others joint receivers. Sir, the people of the new States have looked anxiously for relief in regard to the lands. They have looked to the present as the auspicious period when they might expect it. The public debt is now paid off; the same amount of revenue not being required by the positive wants of the Government, the people must be relieved from a large part of the burdensome taxation necessary heretofore for the payment of a debt contracted in carrying on a war waged for the vindication of our national honor. To discharge the debt incurred in this war, the people of the new States have contributed as largely, and as willingly, as they shed their blood freely in the field during the contest. Are they to be the only portion of the citizens whose claims are to be overlooked, whose burdens are not to be lessened? Is it from a desire to have a perpetual fund of money drawn from us to distribute? Is it from a fear of lessening the value of land in the older States, or from an apprehension that emigration will be more rapid from the older States? The distributing system, I hope, will not be adopted. The fear of lessening the value of lands in the old States, or materially affecting them in point of population, is altogether illusory. Is it possible that the citizens of Ohio, Kentucky, or Tennessee, can think that, by fixing a dense population on the Mississippi and its waters, their lands will become of less value? Where is it, sir, that they find a market for their products—a ready and cash market? By making the demand for every article they export greater, is it possible, by any correct course of reasoning, they can come to the conclusion that the lands upon which these articles are produced will be worth less? We rely upon the upper country for supplies of numerous necessary products; we buy from them horses, mules, cattle, sheep, hogs, poultry, beef, pork, flour, corn, potatoes, aye, every thing that can be imagined, even down to dogs. We pay them cash for these articles of merchandise. It is the only market the people on the upper waters of the Mississippi ever did, or ever will, have for the most of them. The President, in his message to Congress at this session, has taken a liberal and statesman-like view of this subject. He is sensible of the wants of the people of the new States, knows their worth, and appreciates the privations which they endured in the settlement of a new country. He has expressed these in language more strong, clear, and eloquent than I can. [Mr. B. here read the several parts of the President's message relating to the public lands.] The Chief Magistrate is not one of those who have taken the view suggested by a narrow and short-sighted policy; that, by holding up these lands in such manner that the greatest possible sum can be realized, will advance the true interest of the Government, but is among those actuated by more liberal and enlarged views, who are of opinion, that by advancing the settlement of the country, by fixing upon the soil an adventurous and hardy population, interested in the freehold, the country will gain more real advantage in the addition to its security, strength, and aggregate wealth. We stand upon the justice of this recommendation, not doubting but the wisdom of Congress will soon lead to the adoption of the course recommended.

It is conceded, sir, that the settlement of this question is a matter of much importance, but I do not agree that it is among questions of that sort which had better be settled even wrong than not at all; it will be better that we should leave the matter where it now is, than make it worse. Be careful, sir, that, in the great anxiety which is shown to settle the question, to take, as it is said, from the new States all ground of complaint, you do not lay the foundation for greater discontent. Among the people of the new States, there has as yet been nothing like decided discontent. They have looked forward to the present period with anxiety, yet with the assured hope that the burdens of taxation would be lightened both as to the customary revenue, and that which they pay in the purchase of land. If they should be disappointed in these reasonable expectations, there is no telling how long they may remain so. Although anxious for the settlement of this great national question on just and equitable principles, yet I, for one, object to the present measure, as not calculated to relieve us from embarrassment, but to lead us into other and new difficulties.

Mr. B. having concluded,

Mr. **MOORE** moved an adjournment.

Mr. **FORSYTH** moved to lay the bill on the table.

Mr. **POINDEXTER** made a few remarks in opposition to this motion.

Mr. **CLAY** hoped the question on the amendment would be taken now, unless some gentleman wished to express his sentiments on the subject.

Mr. **BUCKNER** expressed himself in favor of the amendments of Mr. POINDEXTER, which had been ordered to be printed. He desired that they might have the consideration of the Senate, and hoped the pending question would not be taken before. He was also against haste in this important business, and reiterated Mr. FORSYTH's motion to lay on the table.

Mr. **CLAY** called for the yeas and nays. He felt unwilling that the subject should thus be postponed from day to day. By voting now on the amendment of the Committee on Public Lands, the amendments of Mr. POINDEXTER would not be excluded. His utmost wish to-day was to dispose of the former amendment.

Mr. **POINDEXTER** said, the amendment of the committee proposed to destroy the bill, for a substitute, which he, on examination, had found to be very imperfect. His (Mr. P's) object was to preserve the salutary portions of the bill, and to make such additions and improvements as would render it more beneficial. He had no disposition to delay the question on the amendment, because its decision would not at all interfere with the objects which he had in view.

After a few more remarks from several other Senators, the motion was withdrawn, and the Senate adjourned, after a short time spent in executive business.

THURSDAY, JANUARY 17.

PUBLIC LANDS.

The Senate resumed the bill to appropriate, for a limited time, the proceeds of the sales of the public lands.

Mr. **GRUNDY** said, upon this subject it is manifest that there are two opinions rising up in different quarters of the country, directly in opposition to each other, and both of them, in my humble judgment, founded in error. One portion of our politicians think that the new States, in which the lands are situated, have a claim, to the exclusion of all other portions of the country, upon that principle of national law which confers on the sovereignty of a State a right to all the soil within its limits. Against this opinion I have heretofore, and now contend, let it come from what authority it may. Another set of politicians say, and the bill on your table is predicated on that idea, that the States, as such, have some other and different kind of claim to these lands, or their proceeds, than they have to the money in the treasury of the United States, arising from other sources of the public revenue.

I differ from those who entertain this opinion likewise. My proposition is, and I shall endeavor to maintain it, that the lands belong to neither the new nor the old States, nor to both of them combined, but to the Federal Government; and that their proceeds cannot be applied to other objects than those to which the United States can constitutionally appropriate money. In order that I may be able to establish my proposition, I ask the attention of the Senate to the mode in which the titles were acquired, and I call upon the advocates of the title of the new States to show upon what they found their claim. Did the new States purchase these lands from the original proprietors or owners? Have they made any contract or agreement which would authorize them to put up this claim? Nothing of the kind is pretended. Their sole reliance is upon the principle that sovereignty conveys the title. This principle, it is admitted, exists, and is unquestionable between nations or States, foreign to each other, and between whom there are no stipulations or compacts to the contrary; but it is wholly inapplicable as between the General Government and the new States. To adopt it would be in direct violation of the agreements and compacts entered into by each of them in the most solemn manner. When about to become members of this Union, they disclaimed all right and pretence of title to the Federal Government within their respective limits; it is their own declaration; it is engrafted in the constitution of every State; the very charter which gave them their existence acknowledges that they have no right or claim to these lands. There is no State in which it was supposed the General Government owned land, which has not, in its constitution, relinquished that right which sovereignty confers, except the State of Tennessee. She was admitted into the Union without any such stipulation or condition, and therefore stands in a different situation, in relation to this subject, from the other States, in which there may be vacant and unappropriated lands. When the new States, some years since, came forward and put up their claim to these lands, I took the liberty of saying that it appeared to me to be a violation of good faith and the sacredness of a solemn agreement, and gave the reasons at length in support of the opinion I then expressed, and I will not detain the Senate by a repetition of them; but, with this short view of the subject, shall take it for granted that the new States have no right to these lands, more than the other States in the Union. At the same time, I wish it to be understood, that I do not object to the appropriations which have been, or hereafter may be, made to the new States, of portions of the land within their limits, for internal improvements; this, however, is not because they have a better claim than any other portion of the country; these appropriations are made upon the ground that it is sound policy to improve the country, and thereby add value to the residuum of the public lands. Hence, a right as well as a duty is created on the part of the General Government to enhance the value of the public domain.

The next inquiry is, what right have the States, as such, to put up a claim to these lands? To ascertain this, we must look to the derivation of the title, and see to whom it has been made. During the revolutionary war, it was urged by several of the States, in strong and impressive language, that it was unjust that the wild and uninhabited tracts of land contained in the charter of Virginia, and other States similarly situated, should be conquered and secured by the joint arms of all the States, and then not be disposed of for the benefit of all; they, therefore, remonstrated with the old Congress against this injustice, as they considered it. Congress acknowledged the justice of their demands, and applied to the several States within whose limits the lands were situated to relinquish their title in support of the common cause in which all the States were engaged. The States yielded to this application, and Virginia surrendered all her territory west of the river Ohio, including the present States of Ohio, Indiana, Illinois, and Michigan Territory; the other States followed her example; but for what purpose did they make these grants? Was it that the proceeds should be given away, either to States or individuals, or scattered to the winds? Such an idea never entered the minds of men at that period. What was the great and important object which operated upon a portion of the States in demanding, and on the others in surrendering, these lands to the disposition of the old Congress? It was known that we were engaged in an expensive war, and were deeply involved in debt. The issue of the controversy was doubtful; but if we succeeded, one thing was certain, that we had a large accumulation of debt existing against the old Congress, which it would be difficult to discharge, however prosperous the termination of the war might be. In order, then, to promote the public credit, and to provide a common fund to meet the various engagements which the prosecution of the war necessarily created, almost all the States which had vacant and unappropriated lands came forward. And what is the declared intention of each of the States making the surrender? I have examined all the acts of cession; the same language is used; they all say for the common charge and expenditure, for the common benefit, we surrender the lands; and to whom did they surrender them? To the Congress of the United States, to be applied for the common benefit, for and in discharge of the debt incurred by the war of the revolution. It is true, the debt of the revolution, as it is usually denominated and considered, is discharged; there is still, however, a heavy incumbrance upon the public lands, which cannot be discharged for many years—I refer to the pensions allowed by law to the officers and soldiers of the revolution. These constitute a charge upon this fund, and form a part of the common expenditure for which these lands were pledged; and, until fully paid, the lands cannot be released and applied to other purposes. It is supposed that not less than three millions a year will be necessary to meet this demand. The sales of the public lands will probably not amount to that sum; we know the nett proceeds will not. At present, this fund is answering the purpose of its original destination, and it ought not to be diverted from it.

But let us see by what means the debt proper has been paid. The proceeds of the public lands have discharged a very small portion of it; all the other sources of revenue have been resorted to, and the moneys arising from them applied to the extinguishment of this debt. When the money thus expended from other sources to this object shall be replaced in the public treasury from the sale of the public lands, surely it should not be used or employed in any other way, or for any other purposes, than those to which moneys arising from any other sources could be legitimately appropriated. To make my ideas upon this subject still plainer: we have taken money arising from the duties upon imports to pay the public debt, instead of using the land for that purpose; now, when we sell the lands, and receive the proceeds of the sales, the money should be substituted in the place of that which was received from imports. The treasury of the United States has furnished all the means by which the lands acquired from Georgia, by her cession, have been paid for. Louisiana was obtained from the Emperor of France by the Federal Government, and paid for by its own money. The Floridas were purchased from Spain, and paid for in the same manner. To none of these lands can I discover the least color of claim on the part of the States.

It is not argued by the friends of this bill that Congress can give away the public money, or distribute it to individuals or States *ad libitum*. Unless, therefore, its advocates can succeed in showing that Congress has more power over this source of revenue arising from the public lands than it possesses over other public moneys, this bill must fail. This brings me to the provisions of the bill under consideration; and I will endeavor to show to the Senate that this bill is calculated to put down the policy of this Government as now administered; that it is doing that indirectly which we cannot do directly, and we know it to be so. We are to give this money to the States; and for what purpose? To make internal improvements. And can we make such internal improvements as the States will make if you give them this money? There is a difference among politicians as to the powers of the General Government upon this subject. Great national objects of internal improvement, it is conceded by both parties, may be carried into effect by this Government; but local objects are not conceded; and, as this Government is now officered, we know that no bill for such improvements can become a law. Whatever Congress might be disposed to do in such cases, the Executive sanction cannot be obtained. But grant the States the money to make any improvements they please, however local and unimportant, and you evade the settled policy of the present administration, which you cannot overcome by direct action. In short, by giving the money to the States, and making them your agents, you expend it upon objects which the most zealous friends of internal improvements by the General Government would never dream of. Is this not doing, as I have said, that indirectly which you cannot do directly? Would you not, by the instrumentality of the State Legislatures, be doing acts which you have not the constitutional power to perform yourselves? The second object to which the money is to be applied by this bill, is education. I admit the full value of this object; but has it entered into the mind of any public man, that Congress could establish a system of education in the different States? Such a proposition has never been made, and, if made at any future period, it surely can meet with no favor in this body; and I ask Senators to reflect and consider whether there be any substantial difference, in point of constitutional power, between this Government's doing it itself, and giving the money to the States, and directing them to do it?

As to the third provision in the bill, which is to expend the money in transporting the free people of color to Liberia, on the coast of Africa, I consider it perfectly visionary; and this provision in the bill would be harmless, were it not for the infraction of the constitution involved in it, because I do not believe that the State Legislatures would so apply the money; they would expend it on objects in their own States. From what part of the constitution is the power thus to expend money derived? How can it be contended that this Government can furnish money to better the condition of the free man of color, when it is admitted that you cannot give money to a poor man to better his situation—no, not even to remove him from one part of the United States to another?

I will now proceed to another branch of this subject. If I were in favor of this measure; if I believed it authorized by the constitution; if I believed it wise and politic, I would not at this time give my assent to it. It is, and it cannot be concealed, a tariff measure. It is to keep up the duties on imports; and here I wish to be distinctly understood, I have contributed nothing by any vote or act of mine to produce the present state of excitement which exists in the country. I will do nothing to increase or aggravate it. I will yield nothing to intimidation, or to that hostile array which is displaying itself in the South. I will neither go faster nor slower. I will neither be accelerated nor retarded in my movements by any occurrence of that kind; but there are considerations to which I am prepared to yield much. To that deep sense of injustice, long continued, which is felt by the whole South, and by a great portion of the West, I would yield much. To the apprehension that oppression, long persisted in, which is heavy, and cannot be always borne, might weaken, and in time alienate, the affections of any great portion of the community from this Government, I am ready to yield any thing which will not produce injustice to others. However, whether the tariff be reduced or not, I am in favor of executing the laws and preserving the Union; and so far as my voice will go, the Executive shall be furnished with all the means necessary to accomplish these objects. Under this view of the subject, let us examine the effect to be produced by the passage of this bill, and ascertain whether, instead of alleviating the public burdens, and removing the grievances now felt and complained of, we are not giving a certain assurance that they never shall be removed. The public sentiment seems now settled, and we scarcely hear a voice to the contrary, from any quarter, that the public revenue must be brought down to the wants of the Government; if you, however, give away annually nearly three millions of your money, arising from the sale of the public lands, you thereby create the necessity of keeping up a tariff to that amount, higher than would be necessary if the proceeds of the public lands were placed in the treasury, to defray the expenditures of the Government; therefore, instead of reducing the public burdens, instead of doing away the just causes of complaint which exist in the country, you are fastening them upon the community. Make, if you please, the most liberal allowance for the support of the Government of the United States—a tariff, producing twelve millions, added to the three millions arising from the sales of the public lands, will support the Government; but give these three millions away, and you create the necessity of adding three millions to the tariff; this, therefore, is a tariff measure. It is to create a demand or necessity for more money; and when this necessity is created, I should myself feel bound, if it depended on my single vote, to fix the rate of duties high enough to produce the requisite amount. I have been compelled to give my opinion in reference to the tariff, because it is connected with the subject-matter of this bill. There is another reason why I object to this measure: it will operate deceptively; it looks like a gift upon its face to the States, but at the same time the people of the States are taxed to make up the amount; it looks as if the States were getting something from the General Government; but when it is recollected that a tax is imposed to supply the deficiency in the treasury, occasioned by this measure, the deception is at once discovered, and the delusion vanishes.

The politicians of the United States have been speaking and writing about State rights and State independence from the very foundation of this Government; and, according to my humble judgment, nothing that could be invented by Congress would operate so fatally against these doctrines as this measure. If the States are to receive annually from this Government large sums of money which may be withheld at pleasure, can you expect that manly spirit and strong language of remonstrance from State Legislatures which we have sometimes witnessed? It is with communities as with individuals, that a man loses his independence who is in the habit of living upon the bounty of another. He knows that to incur the displeasure of his benefactor may produce a withdrawal of that bounty which he has enjoyed; and the fear of this lessens his independence; he loses his own will, and adopts that of another as the rule of his conduct. The true mode upon which to administer this Government is, to keep the operations of the Federal and State Governments distinct and separate. In this way, that confliction which produces discord is avoided. The State Governments possess certain means of raising revenue to enable them to perform their respective functions; and the State Governments should never depend upon the General Government for the means of acting upon the subjects confided to them. So long as each Government depends upon its own means, it is independent, and no longer. We already see the effects produced in some of the States by this anticipated reliance upon the national treasury. Pennsylvania and Ohio have contracted large debts for internal improvements, and they are now pressing this measure with a view to obtain money to meet the annual interest falling due upon their State treasuries. Is there not danger that you will place all the States in a similar condition, if you encourage them to undertake expensive internal improvements beyond their own means of payment?

Further, I am opposed to this bill, because it will retard the improvement and settlement of the Western country. In what I say upon this subject, I know I feel, and shall speak, as a Western man. There is a greater portion of my affections, of my regards, than can exist elsewhere. If you say that the price of the public lands, (which is evidently the design of this bill,) even of poor quality, shall never be reduced, but at all times remain at the sum now fixed by the laws of the United States, for the purpose of distribution among the several States, you thereby prevent a dense population, and the cultivation of soil of inferior quality. It cannot be expected, under this new system, that any favors or indulgence will ever be extended to the settlers in the new States; a feeling in opposition to a liberal spirit towards the inhabitants of new States will be engendered in the different States; and avarice, the most unfeeling passion that inhabits the human breast, will forbid the distribution of favors amongst those who most need them. I readily admit that the shifting of population from one section of country to another does not increase the population; but I by no means admit that it may not increase the national strength and prosperity. The Government owes it to its citizens, as a duty, to furnish all the means in its power to render them collectively and individually happy and independent. When you put it in the power of every man, however poor and humble he may be, to acquire a freehold of forty, eighty, or one hundred and sixty acres of land, the Government has done its duty; and if idle and dissipated men will not take care of themselves and household, will not embrace and enjoy the bounty of their country, the Government is not responsible for their failure.

At the last session I was told that my argument upon this subject was not sound, because those who worked in the manufactories were as good citizens as those who cultivated the soil: that maybe so. My principle, however, is this: make your citizens independent--and no man is so independent as he who gets his own livelihood upon his own soil, and is not dependent upon the will of others. A man thus situated is dependent upon Providence and his own exertions alone; he is not subject to the whim and caprice of others by whom he may be employed: his livelihood cannot be endangered by the failure of capitalists, which is the case with all those employed in manufacturing establishments. I therefore prefer that this Government should provide by its laws that every man of industry may acquire, at a cheap rate, a portion of the public domain. With respect to the policy which I advocate—taking off a portion of the population of the old States—I can fully appreciate it. Tennessee will be deprived of many of its most valuable citizens; with me, however, this forms no objection; I will never legislate to keep men where they are, that others may be benefited by their labor. Should any of my fellow-citizens consult me upon the subject of their removal, my language to them would be, "We should be glad if you could find it to your interest to remain amongst us, because we are unwilling to part with you; but if you can make yourself more happy and independent, if you can better provide for yourselves and families by going to a new country, go, and prosperity attend you." This is the way I feel, and this is the way I incline to act towards the citizens of my own State: and why should we feel any prejudice against this policy? The now waste lands are to be the homes of our children, and childrens' children; let us then adopt a liberal policy for their improvement. It should also be recollected that we have a very extensive exposed frontier in the West; we have gathered all the Indian tribes together; we have concentrated that which makes a formidable force, which may, at some future period, be employed against the United States. How can we provide against attacks from that quarter in any way so effectually as by having a dense population in the immediate neighborhood? By this means you will also lessen the expenditures of the Government, and give security to those who are now most exposed to danger. Another consideration of great weight upon this subject is, that New Orleans, the great commercial city of the West, will always be the point of attack aimed at by a powerful foreign enemy with whom we may be at war. The best security you can afford it will be found in thickly lining the banks of the Mississippi, and filling up the adjacent country with freemen interested in the soil. An opportunity to do this is now presented by the recent acquisitions of territory from the Choctaw and Chickasaw tribes of Indians. It has been said that these preference or occupant rights have not proved beneficial to the early adventurers of the Western country. Gentlemen who make this statement possess less knowledge than I do, or a different language would be used by them. The State of Virginia gave to each of the early settlers of the now State of Kentucky four hundred acres of a settlement right, and a pre-emption of a thousand acres adjoining, at a price merely nominal. The State of North Carolina, actuated by a similar liberal spirit, gave a pre-emption of six hundred and forty acres to each of the early settlers in what is now West Tennessee; and although it is true that but few of these men remain at the present day, having been slain by the hostile savages, or having died by reason of great exposure and hardships, and from other causes, yet I will venture to say that the descendants of no class of men in that vast region of country are more respected, or have more distinguished themselves in the learned professions, or have been greater ornaments to the benches of justice, or have acquired more fame in legislative halls. In regard to what is called the Green River country, in the State of Kentucky, it was settled upon the principle of occupancy; and there is no portion of that State, considering the quality of the soil, which contains a better or more substantial population. As to Tennessee, this has been her uniform policy; and by its wisdom we have changed tenants and day-laborers into independent freeholders. I am inclined favorably to the amendment proposed by the Committee on Public Lands, and will vote that each settler upon the public domain shall be entitled to a preference right at fifty cents per acre, upon condition that he reside on it for five years in succession: this latter provision will prevent all fraud and peculation, and secure to him who needs it a home at a cheap rate.

Upon a full view of the whole subject, my reflections result in this: that the new States have no exclusive claim to these lands, and that the States, as such, taken altogether, have no other claim to them or their proceeds than they have to moneys arising from other sources of revenue; and, of course, Congress has no power to give it to the States, or to apply it to any other objects or purposes than those conferred on Congress by the constitution. By giving this destination to this fund, we fulfil the design and expectation of the original donors, as well as the intention of the old Congress, to whom the donations were made. By the constitution of the United States, the title to these lands is transferred to the new Government, on which, by that instrument, the burden is placed of paying the national debt; of carrying on our foreign intercourse with all nations; of raising and supporting the army and navy; of sustaining the Executive, Judicial, and Legislative branches of this Government. These are legitimate subjects of public expenditure, and to these should this fund be applied; they are for the common benefit of all, and therefore within the meaning of the deeds of cession. Upon the subject of graduating the price, I think the Government should adopt the same rule which any prudent man, who owned a large quantity of land, and was anxious to sell it, would pursue; that would certainly be to lower the price, whenever all the lands of first quality were sold, and he could not find purchasers who would buy lands of inferior quality at the price originally fixed, after the public lands have remained in market at the minimum price for ten or fifteen years. Surely it would be sound policy to offer them at a lower rate; this would not only be beneficial to the General Government, but the advantage to the new States would be incalculable, as thereby the whole lands within their respective limits would become subject to State taxation. I, therefore, am willing at this time to vote for giving settlement rights to occupants at fifty cents per acre, and to graduate the price according to the different qualities of land, and to reject at once the proposition contained in the original bill. Still, my impression is that this is not the proper time to act finally upon the subject. At the next session of Congress the new States will have a full representation in the other House. They are more particularly interested in this subject than the other States. I am willing they should have the benefit of their additional numbers. It has been urged that this subject has been before Congress at the last session; that it was then amply discussed; that the different able reports of the Committee on Manufactures and the Committee on Public Lands have been published and submitted to the people for their consideration. This is all true; but has the subject been considered? Has it been decided by the people? I think not. It was lost sight of in the all-absorbing topic of the Presidential election. That, like Aaron's rod, swallowed up every other consideration. I am, therefore, prepared to vote for an indefinite postponement of this bill, whenever that motion shall be made.

Mr. POINDEXTER then, with a view to perfect the original bill before the question was taken on the amendment, proposed to add several additional sections, providing for a gradual reduction of the price of the public lands remaining unsold for a specified period after being brought into market; granting pre-emptions under certain circumstances; providing for continuing the surveys and guarantying to the new States that the present minimum price of the public lands shall not be increased during the existence of the proposed law.

Mr. CLAY opposed this amendment, with the exception of the latter clause.

After a few observations by Messrs. **BLACK, POINDEXTER, BUCKNER,** and **KING,** the Senate, without taking the question, adjourned.

FRIDAY, JANUARY 18.

CUMBERLAND ROAD.

On motion of **Mr. BUCKNER,** the Senate proceeded to consider the bill providing for the continuation of the Cumberland Road, from Vandalia, in Illinois, to Jefferson City, in Missouri.

The question being on the amendment offered by Mr. BENTON, to insert the words, "and thence to the Western frontier of Missouri, in the direction of the military post, near the mouth of the Kansas river"—

Mr. SMITH suggested the propriety of authorizing the continuation of the road from Vandalia to "some point" in Missouri. He had no objection to the contemplated military road, but he thought that the provision which required that the road should be continued to Jefferson City might endanger the passage of the bill.

Mr. BENTON rose to advocate the amendment which he had proposed when the bill was last under consideration. The bill proposed to extend the road to the seat of Government in Missouri; the amendment which he had offered proposed to continue it to the Western frontier of the State of Missouri, in the direction to Fort Leavenworth, and to the intersection of the route for the caravans from Missouri to Santa Fé. He exhibited a map which he had obtained from the War Office, showing the position of the military post, Fort Leavenworth, on the left bank of the Missouri river, a few miles above the mouth of the Kansas, and proximate to the State line, and the course and bearing of the Santa Fé road, as marked out under the authority of the Federal Government. He showed, also, the course of the proposed road by the seat of Government in Missouri, and considered the part which the amendment proposed as a link in the chain of the great road from Washington City to Santa Fé, the two ends of which had been either made or marked out by the Federal Government, and only the link in Missouri remaining to be filled up to complete the longest line of road made by any Government since the time of the Roman empire. The part of the road which would extend to the Western frontier of Missouri was strictly and correctly a military way, leading to a frontier covered by Indian tribes which the Government was accumulating there, and to a fort at which a garrison of regular soldiers and a company of United States' rangers were now stationed. It was the principal fort on that frontier, and intended for a permanent position. A road to such a frontier, and to such a post, was a military road in fact as well as in name, and was better entitled to the care of the Federal Government than the military road in Maine to the Hill of Mars, imposing as that road might seem, from leading to an eminence which imported to be the residence of the ancient god of war. The Indians at this day, on the frontiers of Missouri, were once more formidable to the people of that State than Mars could be to the people of Maine; and the Mars Hill road had been deemed worthy of repeated appropriations of public money. In 1828, the sum of $15,000 was voted to make it; in 1829, the sum of $42,932 was voted for completing it, in 1830, the sum of $47,451 to complete it; in 1831, $500 more were granted to complete it; and in 1832, the sum of $21,000 was voted for repairs and improvements upon it. Mr. B. said there was another view to be taken of these two roads: that of Maine traversed no public lands belonging to the United States; that of Missouri would traverse the centre of a State containing thirty-six millions of acres of federal land, paying no tax to the State, and receiving an increased value from all the roads which the State made. It was an acknowledged principle with the Federal Government, that, as the principal landholder in the new States, it should contribute to the construction of their roads and canals; and, on this principle, about one million of acres had been granted to the State of Ohio, and nearly half a million to each of the States of Indiana, Illinois, and Alabama. Missouri was one of those which had received neither land nor money from the Federal Government for the construction of her highways, and the bill which he (Mr. B.) had brought in at the last session to make her a grant of half a million of acres was snatched out of his hand, and clapped into that universal combination bill, commonly called the land bill, which was to pay its way through the two Houses of Congress by dealing out land and money to the right and left, till an interest was created strong enough to carry it through. Mr. B. hoped it never would get through, although his own bill was now in it, and trusted that his bill would be allowed to come out from the company into which it had been pressed, and take its fate in a separate vote upon its own merits, as all the bills for granting lands to the other States had done. Mr. B. said that Missouri had received nothing in money for the construction of roads or canals. She had been equally unfortunate in her applications to Congress for grants of money or land. About a million of dollars were annually voted for objects of internal improvement; no part of it went to Missouri; very little to any part of the South or West. The Northeast was the grand absorbent of the whole; and the system of internal improvement, invented for the benefit of the West, and proclaimed to be the true means of getting a portion of the public money disbursed in the West to counterbalance the enormous expenditure on the sea-board for light-houses, navy yards, ships, and fortifications, had turned out to be nothing but an illusion to the West, and a new and enormous drain of money to the Northeast. Another bill is now presented in favor of Missouri; the reasons for it are numerous, cogent, and unanswerable; and it rested with the friends of internal improvement to say whether it should be passed. This bill proposed the extension of the road to the seat of Government in Missouri; the amendment which he offered proposed to continue it to the frontier of the State, covered with insidious savages, to a military post which needed a communication with the centre of the State, and to the intersection of the Santa Fé road, annually travelled by the caravans of Missouri. The fate of this application would depend upon those who were the advocates of internal improvement. Many members denied the power of Congress to make these improvements; of course their votes could not be looked for; to those who admitted the power, and advocated the system, and voted a million annually for improvements in other quarters, the fate of this application must be committed.

Mr. CHAMBERS thought the views of the gentleman from Missouri [Mr. BENTON] conflicted with those advanced yesterday by Mr. GRUNDY. The argument of the latter gentleman was more in unison with what was considered orthodox in a certain quarter, than that of the gentleman from Missouri, on the subject of the nationality, &c. of a particular class of internal improvements. He regretted that the gentleman from Tennessee was not in his seat, as he might feel bound to vindicate his views on this subject. There was a measure pending before the Senate, however, (the land bill,) which, if adopted, would relieve gentlemen from the necessity of making nice distinctions on the subject of the nationality of this or that improvement. Until that measure was disposed of, he considered it unnecessary to act on the bill now before the Senate, and he therefore moved to lay it on the table.

Mr. SMITH would vote to lay the bill on the table for a different reason; he wished further time to examine the subject, particularly the amendment of the gentleman from Missouri, [Mr. BENTON.]

Mr. BUCKNER requested that the motion to lay the bill on the table should be withdrawn for a moment; which being done—

Mr. BUCKNER expressed a hope that the bill would not be further postponed. It had been some time before the Senate, and contained a plain proposition, involving no new principle. He could see no reason why this bill should be made to give place to the land bill, or any other favorite measure. There seemed to have been a species of discipline and training connected with this land bill, which was disreputable, and at war with a free and fair course of legislation. Every important measure which came up was drawn within the vortex of the land bill, which appeared to have been gotten up principally with a view to rivet upon the country the present tariff. He warned gentlemen that this course might be attended with a different effect from that which was intended. He had himself been an advocate of the tariff; but when an effort was made to sustain it by an unjust, and sordid, and corrupt course of legislation, he warned gentlemen to beware of the consequences. Was it desired that the present bill should be postponed, in order that gentlemen might revenge themselves for the vote which its friends might think proper to give on the land bill? This was certainly an unjust course of proceeding. If the bill now before the Senate should fail, he wished it remembered that it had perished by the hands of those who had given birth to the principles upon which it was founded. Shall those who first stood forth the advocates of internal improvements be the first to destroy their own offspring? This was unnatural. He preferred that every measure should be tested by its own merits, unconnected with any other subject. A different course of legislation was unwise and improper, if not dishonest.

He had no objection that the bill should lie on the table, to allow any gentleman an opportunity for examination; but protested against postponing it, for the reasons which had been assigned by the gentleman from Maryland, [Mr. CHAMBERS.]

The bill was then laid on the table.

PUBLIC LANDS.

The Senate then proceeded to the special order of the day, being the bill to appropriate, for a limited time, the proceeds of the sales of the public lands, &c.

The question pending being on the motion of Mr. POINDEXTER to amend the original bill—

Mr. MOORE moved to postpone the further consideration of the bill until Monday, on account principally of the indisposition, and consequent absence, of a member who was desirous to record his vote against the original bill.

Mr. CLAY suggested that there was also a Senator on the other side absent; but that he would rather hazard the loss of the bill than postpone it any longer. He asked for the yeas and nays on the question of postponement, and they were ordered.

Mr. POINDEXTER stated that he had not been as yet enabled to obtain all the information which he had expected to acquire from documents to which he desired to refer. It was a subject of great national importance, and he thought it improper to hasten a decision. In addition to these considerations, he much wished to give his views of it, but was at this moment laboring under a violent attack of cold. He hoped, therefore, that the subject would be postponed till Monday, as it was known that the other House would not go into an examination of this matter until the tariff question should be disposed of.

The question was then taken on the motion to postpone, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Buckner, Calhoun, Forsyth, Grundy, Hill, Kane, King, Mangum, Miller, Moore, Poindexter, Rives, Robinson, Smith, Tipton, Tyler, White, Wright.—22.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Sprague, Tomlinson, Waggaman, Webster.—22.

So the motion to postpone was lost, (the Senate being equally divided upon it.)

Mr. KING then addressed the Senate, at length, in opposition to the original bill, and in support of the amendment.

Mr. CHAMBERS spoke in reply.

Mr. BUCKNER moved to postpone the further consideration of the subject until Monday, in order to have an opportunity to move that, when the Senate adjourns, it adjourn to meet on Monday.

Mr. CLAY asked for the yeas and nays, which were ordered.

Mr. POINDEXTER said a few words in favor of adjournment.

Mr. WEBSTER objected to any other adjournment than from day to day, in the present state of the public business. At the same time, he felt a strong disposition to give every indulgence to the gentleman from Mississippi. He then moved that the Senate do now adjourn.

The motion was agreed to, and

The Senate adjourned.

SATURDAY, JANUARY 19.

EVIDENCE OF CLAIMS.

On motion of **Mr. SMITH**, the previous orders were postponed, and the Senate proceeded to consider the joint resolution authorizing the Secretary of State to deliver to the commissioners under the French treaty the evidences of any claims delivered to and rejected by the commissioners under the Spanish treaty.

The resolution having been read a second time, it was taken up as in Committee of the Whole.

Mr. SMITH then stated that the Committee on Finance had, in reporting this resolution, departed a little from the regular rule. The committee had been instructed to inquire into the expediency of employing clerks to make copies of these documents. They had made inquiry of the Secretary of State as to the cost of making these copies, and are told that it would amount to $10,600. Other inquiries which were made resulted in a conviction that the mode suggested by the resolution would be the most convenient and the most prompt, and one which the Secretary had stated as giving him sufficient authority to deliver over the originals.

Mr. **FORSYTH** said that the committee seemed to have forgotten the instructions which had been given to them. They were required to make an appropriation for the necessary clerks. It was true that there would be a considerable saving of expense if the originals were handed over to the commissioners; but the question was whether this could be done consistently with the treaty with Spain? If it could, the Secretary had the power of handing over the papers; if he had it not, the Senate could not give it to him. He should, therefore, vote against the resolution.

Mr. **SPRAGUE** said he had always been of the opinion that the construction of the treaty which required these papers to be kept in any particular building was a very limited one. He did not understand that they were papers over which Spain could have any control. They are the documents relating to claims which had been disallowed. Spain could hardly expect that we should retain documents of this character forever. She could have nothing more to do with them. If the narrow construction to which he referred was to be adhered to, why could not the commissioners sit in rooms in the Department of State? He presumed that there could be no difficulty in this. But believing that there could be no necessity for this, he should vote for the resolution.

Mr. **KANE** thought the only question was, whether it is necessary that these documents should be where they would be submitted to the personal inspection of the commissioners? If so, and if copies would not answer, and the Secretary could not let the originals go from his custody without this resolution was passed, it ought to pass.

Mr. **SMITH** and Mr. **FORSYTH** reiterated what they had before stated.

Mr. **SILSBEE** expressed his inability to discover how it was possible that the treaty of Florida could have any more effect on these papers than on any of the claims put in for indemnity against spoliations committed by the French previous to 1800. The documents referred to captures condemned in French ports, and the claims founded on them had been rejected. Now, to establish these claims against France, it was necessary to produce these documents. The Secretary does not feel himself at liberty to give them up. This was very hard on the claimants, and in some way or other they ought to be relieved. He should therefore vote for the resolution.

On motion of Mr. **FOOT**, the resolution was amended by adding the words:

"Which evidences shall be returned to the Department of State when the commission shall expire."

The resolution was then reported as amended, and the amendment having been concurred in, the resolution was ordered to be engrossed, and read a third time.

PUBLIC LANDS.

The Senate then proceeded to the consideration of the bill to appropriate, for a limited time, the proceeds of the sales of the public lands, the question being on Mr. POINDEXTER's amendment.

After the failure of a motion to postpone the bill to Monday—

Mr. **POINDEXTER** rose and said: Mr. President, I should not have risen to partake of the debate on the interesting question brought before the Senate by the bill on your table, especially after the very able view which has been taken of it by the honorable Senator from Kentucky, who introduced the bill at the last and the present session of Congress, but for the deep interest which my immediate constituents have in the final disposition which may be made of the lands of the United States, in common with all the new States of the confederacy, and the high obligation which devolves on me, as a Senator from one of these new States, to vindicate their interests and advance their prosperity, on all proper occasions, not inconsistent with justice to the other members of the Union.

I am admonished by the state of my health, as well as by the anxiety which has been manifested by the Senate, to bring this discussion to a close, of the propriety, and I may add the necessity, of confining my remarks within the narrowest limits which the importance of the subject will permit. The President, in his annual message, brings the great question of the public lands distinctly before Congress; and, besides the notice which he takes of the various propositions heretofore submitted for an equitable and proper disposal of these lands, he recommends for our consideration a specific plan, resulting from his own reflections on the subject, which I shall, in the progress of my remarks, take occasion to contrast with the provisions of the bill on the table, and endeavor to show the effects of each system on the general welfare and future tranquillity of the country, in reference to this most important branch of national wealth and internal policy.

But, sir, I cannot consent, in the arrangement of this difficult and perplexing question, to stop at the mere point of distribution, however much I may approve the measure. I desire to go further, and provide at once for the poor emigrants, by securing to those who actually inhabit and cultivate a tract of land of a limited quantity, for a number of years, to be specified, the right of pre-emption, at a moderate price, to the land so inhabited and cultivated. I wish also to incorporate in any bill which may be passed a provision for an equitable graduation of the minimum price at which the public lands are now directed by law to be sold, and thereby place lands of inferior quality at a rate which may induce men in moderate circumstances to purchase and cultivate them. With these salutary modifications, the system of distribution proposed will be acceptable not only to the old but the new States of the confederacy. It will do justice to every portion of the Union, and on that foundation alone can we hope to inspire confidence and give durability to the plan which it is proposed to carry into effect, by the passage of the bill now under consideration. The origin of the title of the United States to the eminent domain seems to be generally conceded. On this point there exist but slight shades of difference in the opinions expressed by honorable Senators who have preceded me in this discussion.

The sources from which our title has sprung may be divided into the three following classes:

1st. Voluntary cessions from the States having within their chartered limits a large extent of waste and unappropriated territory.

2d. Cessions from the States, founded on purchase, for a valuable consideration.

3d. Cessions from foreign nations since the adoption of the federal constitution, founded on purchase, for a valuable consideration.

In this latter class I do not include purchases from the Indian tribes or nations, because the right of soil in the United States existed prior to these purchases, and no other title has ever been recognised in the Indian tribes but the right of occupancy, which has from time to time been extinguished by the numerous Indian treaties which are to be found in the archives of the Government.

I shall proceed to examine these various cessions, and the conditions in which they were made, in connexion with the laws which have been enacted to carry them into effect, both under the old confederation and the existing constitution.

But before I enter into this examination, I beg the indulgence of the Senate while I take a very brief notice of what I consider an erroneous opinion which several honorable Senators have expressed in relation to the title to the waste and unappropriated lands in the United States, supposed to be acquired by conquest from the crown of Great Britain. It is alleged that these lands were won by the common arms, and therefore became the common property of all the States of the confederacy. From this opinion I must be permitted, without intending to doubt the sincerity with which it has been advanced, or the high authority by which it is maintained, to enter my entire dissent.

By the war of the revolution the united arms of the colonies conquered and gained their liberties and independence on the mother country.

These were acknowledged by the British Monarch in the treaty of peace entered into on the 3d day of September, 1783, which fully recognised each separate colony as an independent sovereignty, by name, as they were respectively formed by their ancient charters.

The treaty with Great Britain did not acknowledge the independence of the United States as a nation; but the thirteen colonies were, by that instrument, declared to be thirteen separate and independent States; they were treated with as such, and as such they confederated for their mutual safety and common defence.

The treaty made no cessions of the crown lands, in right of conquest, either to the States individually, or to the confederacy; they were left precisely on the footing in which they stood prior to the revolution, and each looked to their antecedent charters, defining the boundaries assigned to them by the parent country. I, therefore, hold it to be clear and undeniable, that, as the several States united contributed both in men and money to the accomplishment of the great end of conquering their independence, each became a separate sovereignty by the terms of the treaty of peace; and, within their respective limits, each might dispose of its unappropriated domain without interruption or restraint from the other States, in the same manner, and to the same extent, that the crown of Great Britain could have exercised that power while we remained in a colonial condition.

If any doubt could have existed on this principle during the revolutionary war, it has been since entirely removed; and the right of each State to the waste lands within the chartered limits of each is recognised and conceded by the application made to the States by the old Congress, acting under the articles of confederation, for cessions of these lands, for the common benefit of the Union, and the subsequent ratification by Congress of those cessions, on the conditions therein expressed, as they were respectively made by the State Legislatures; and this opinion is still more strongly enforced by the purchase of a considerable extent of territory, now formed into two new and flourishing States, from Georgia, in the year 1802, for which the United States paid to that State the large sum of $1,250,000.

Considering, then, the several deeds of cession made by the States as the basis of our title to the lands which remain waste and unappropriated within their boundaries, I shall proceed, sir, to inquire into the origin of these deeds of cession, the great purposes for which they were made, and the limitations imposed on the Government by the grantors.

The Declaration of Independence was the voluntary act of the colonies, by which they united in the great struggle against the tyranny and oppression of the King and Parliament of Great Britain; and, in announcing to the civilized world that they were, and of right ought to be, free, sovereign, and independent States, they solemnly pledged to each other "their lives, their fortunes, and their sacred honor," to maintain and preserve the independence thus declared in defiance of the power of the mother country, or of any other power whatsoever, by which their liberties might be assailed or endangered. This memorable and solemn act was promulgated only a short time before the articles of confederation were agreed on, by the same patriotic body, and transmitted to the respective State Legislatures for their assent and ratification.

The war of the revolution progressed, but the means by which it might be brought to a speedy and favorable termination engaged the attention and excited the anxious solicitude of Congress and the country at large. Amidst the numerous difficulties by which this noble band of patriots were surrounded, the scanty means on which they were compelled to rely to supply the indispensable wants of the army, the absence of a sound circulating medium, and the depression of public credit, their attention was very naturally and properly turned to the wilderness of the West; and the vast uncultivated domains in these regions were looked to as a fund out of which to compensate, at a future day, the services and sacrifices of the war-worn veterans who so triumphantly fought our battles in the field, and as a permanent resource on which we might safely depend for the final extinguishment of the enormous debt incurred in achieving the glorious result by which we became a free people.

The hopes of the army, throughout the whole of the revolutionary war, and of the militia, called into service on sudden emergencies by the States, were animated and cherished by the pledges which were from time to time made, that so soon as the great object for which they so freely shed their blood was attained, destitute as they were of the ordinary subsistence and means of comfort in the tented field, and their hard earnings paid in a depreciated paper currency, the most liberal grants of land would be made to them by Congress, to which they might retire when peace should be restored to the country, and their toils ended by the acknowledgment of our independence as one among the nations of the earth.

These pledges were made in anticipation of the transfers which it was believed would be readily made for the general good, by each State, of their domains which remained unreclaimed by the hand of industry, and untrodden by the footsteps of civilized man.

Appeals were sent forth by Congress to the States for the consummation of these just and benevolent intentions towards the soldiers of the revolution, which were answered by a patriotic surrender of their title to those lands, which have since been appropriated, according to the original design of the parties, in satisfaction of military grants and the payment of the public debt. The articles of confederation for several years were suspended on the issue of this important question; and Maryland, the last State by which they were ratified, did not accede to them until the year 1781, about one year prior to the close of the war. New York took the lead in offering to cede her waste lands to be applied for the common benefit of all the States. In March, 1780, the Legislature of that patriotic State passed a resolve, part of which I beg leave to read to the Senate. The preamble contains a summary of the causes which induced the Legislature, in the name of the people of New York, to authorize their delegates in Congress, or a majority of them, to make the proposed cession to the United States, in the manner specified in the act. And, among other things, it is enacted and declared, "that the territory which may be ceded "or relinquished by virtue of this act, either with respect to the jurisdiction, as well as the right or pre-emption of soil only, shall be and inure for the use and "benefit of such of the United States as shall become "members of the federal alliance of the said States, and "for no other use or purpose whatsoever." Congress referred this act of the Legislature of New York, together with other papers relating to the same subject, to a special committee, who made thereon a detailed report, concluding with the following resolution:

"*Resolved*, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the Legislatures of the several States; and that it be earnestly recommended to those States who have claims to the Western country to pass such laws, and give their delegates in Congress such powers, as may effectually remove the only obstacle to a final ratification of the articles of confederation; and that the Legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles."

This report was considered, and adopted by the delegates from each State in Congress assembled on the 6th day of September, 1780. Subsequent to these proceedings, and during the same session of Congress, on the 10th of October, 1780, a resolution was adopted, which declares, "that the unappropriated lands which may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States."

A deed of cession from New York was executed by three of the delegates in Congress from that State, on the 1st day of March 1781, on condition that the territory ceded or relinquished shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever." And further, that the lands thus ceded shall be "granted, disposed of, and appropriated in such manner only as the Congress of the United States shall order and direct."

The cession made by Virginia of her territory northwest of the river Ohio, then an uncultivated wilderness, inhabited only by the savage tribes of that region, but which has since been formed into three large and well populated States of the Union, was not finally completed and accepted by Congress until the year 1784. The conditions are similar to those contained in the cession of New York, with the exception of a reservation for bounty lands to be granted to the troops of that State, who were placed on the continental establishment. All the lands within the ceded territory, not reserved for specified purposes, were to be considered a "common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, or in federal alliance of said States, Virginia inclusive, according to their several respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." On these conditions the cession was accepted by Congress, and thereby they became obligatory on both parties to the contract. The following cessions were made and accepted subsequent to those already noticed from New York and Virginia:

By Massachusetts, on the 19th day of April, 1785; by Connecticut, on the 14th of September, 1785, and of what is called the Western reserve, on the 30th day of May, 1800; by South Carolina, on the 9th day of August, 1787; by North Carolina, on the 25th of February, 1790. The above enumeration comprises all the voluntary cessions of territory made by the States to the United States, either prior or subsequent to the adoption of the existing constitution. The conditions annexed to each grant are of the same general character, and each stipulates that the lands ceded shall be and inure to the common benefit of all the States.

The powers of Congress under the articles of confederation did not authorize that body to make any other disposition of the ceded territory than such as accorded with the limitations expressed in the several deeds of cession. The grantees could only use the thing granted according to the conditions prescribed by the grantors. This constituted the basis of all the acts of Congress in respect to the public lands, prior to the adoption of the federal constitution. The States collectively were the joint owners of this immense real estate, but were restricted in the disposal of it to certain specified objects, from which they could not depart without a manifest violation of the contract with the parties under whom they claimed the right of soil.

Under these circumstances, the delegates of the respective States, constituting the representation of both the grantors and the grantees, all equally interested in any regulation which might be deemed expedient in reference to the future disposition which might be made of the common fund, met in the city of Philadelphia, with power to revise and amend the articles of confederation, and to enlarge and modify them, so as to form a more perfect union of the States, to establish justice, ensure domestic tranquillity, provide for the common defence, "promote the general welfare, and secure the blessings of liberty." This body of men, bringing with them the feelings and wishes of the State Legislatures by whom they had been appointed, took this important subject of the public lands into their serious consideration, and, with full power to act in this matter for the States which they respectively represented, thought proper to change the conditions on which these lands had been ceded to the United States, by a special provision, which vested in Congress a plenary power to dispose of them as they might deem most beneficial, and best calculated to promote the general good of the people at large.

It is admitted on all hands, that, under the articles of confederation, Congress had no power to distribute the proceeds of the sales of the public lands among the several States for local or internal purposes, to make grants to the new States whensoever they might be introduced into the Union, or to make donations to individuals or to bodies corporate. Nor, indeed, could any power be exercised distinct from such as were contained in the deeds of cession. But it cannot be denied, on any legal or moral principle, that the parties to an instrument containing specified limitations and conditions may, at any time, by mutual consent, either enlarge or abolish altogether these limitations and conditions, and that such modifications of the pre-existing rights of the parties will be as binding and obligatory upon them as if it had constituted a part of the original contract between them. The States for whose common benefit these voluntary cessions of territory had been made on the conditions therein expressed, and who were alone interested in any and every question which might arise under them, met face to face, by their delegates in the National Convention; and with a full knowledge of the restrictions contained in the deeds of cession, and the total absence of all power in Congress to appropriate the public domain, except in the manner and for the purposes designated by the grantors, after the mature consideration which the importance of the interest involved demanded, and doubtless received, recommended to their respective States the adoption of the following provision in the new constitution, which was acceded to by all the States in the Union, and now forms a part of the fundamental law of the republic:

Art. 4, sec. 3. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or any particular State."

Since the adoption of the federal constitution, North Carolina came in and made a voluntary cession of her surplus territory to the United States, on conditions which, being carried into effect, rendered the cession of no value to the Government, merely as a source of revenue. A large proportion of the ceded territory was covered by grants and warrants issued by North Carolina to the officers and soldiers of that State in the continental line, who fought in the revolutionary war. All the lands which were not covered by grants of this description have been disposed of, for purposes of benevolent donations to individual settlers, and concessions to the State of Tennessee, in which they are situated; and, as yet, no part of them has been sold or appropriated for the common benefit of all the States. In 1802, the purchase from Georgia was effected, and, in the following year, Louisiana was purchased from the Government of France, which, including the acquisition of Florida, under the treaty with Spain in 1819, comprises the entire territory claimed by the United States in right of purchase. Notwithstanding the enlargement of the powers of Congress, by the article of the constitution to which I have referred, the lands ceded to the Government have, with some unimportant exceptions, been surveyed and sold, and the nett proceeds applied, for the benefit of all the States, to the payment of the national debt, and the current expenses which might accrue in the administration of the Government. Thus the original intention of the grantees in the voluntary cessions, and the stipulations in the treaties of cession from Georgia and foreign Powers, have been carried into effect, and the money arising from the sales of the public lands has been applied to the general purposes of the treasury from the commencement of the Government up to the present time.

And now, sir, the national debt is paid; the great debt of the revolution is finally discharged; the country finds itself entirely absolved from all the obligations incurred in that arduous struggle, as well as those incurred in the late war with Great Britain, which has very properly been called the second war of independence; and the public domain remaining undisposed of is, as heretofore, the common property of all the States of the confederacy, and may be disposed of by Congress, for their benefit, in the exercise of a sound discretion, reposed in the National Legislature, "to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States."

The question then arises, under the existing circumstances of the country, free from debt, and with a treasury overflowing, beyond the most extravagant wants of the Government, what disposition ought to be made of the public lands yet remaining unsold and unappropriated?

Two propositions are under consideration.

The President of the United States, at the opening of the present session of Congress, proposes to dispense with these lands altogether, as a source of revenue for the general purposes of the Government; to bring them down to a price which will simply cover the expenses of surveying and selling them to individuals; and ultimately ceding them to the several States within the jurisdiction of which they are situated.

This recommendation of the President, although it has been highly eulogized and commended by several honorable Senators, in the progress of this debate, was entirely overlooked by the Committee on the Public Lands, who have simply reported to the Senate a very imperfect scheme for graduating the price of such lands as may have remained in market unsold for a specified number of years. We are thus driven back to the other proposition contained in the bill on our table, which was reported by the Committee on Manufactures at the last session, and received the sanction of this branch of the Legislature. Considering this measure in connexion with the views presented by the Chief Magistrate, we are called on to decide whether the interests of the country, and especially those of the new States, will be best promoted by reducing the price, making it nearly nominal, or retain the present system, and appropriate the money arising from the sales of the public lands among the several States, for the beneficent purposes enumerated in the bill. To this plan, various objections have been made, which it is my purpose to notice in the order in which they have been introduced into the debate. The honorable Senator from Missouri [Mr. Benton] has endeavored to show, by certain estimates to which he has referred, but which I do not deem at all applicable to the subject, that after deducting the various charges of surveying and selling the public lands, and the amount of money which has been paid in acquiring them, and for the relinquishment of Indian titles, there will remain no surplus to be distributed among the States, even if a bill for that purpose should become a law. This view of the subject is altogether erroneous, and the deductions, which the Senator seems to suppose ought to be made before the distribution takes place, are in direct opposition to the uniform practice of the Government in like cases. We know that the new States are, by compact with the Government of the United States made, on their admission into the Union, entitled, for certain purposes, to five per cent. of the nett proceeds of the sales of the public lands within their limits. In estimating the amount to be paid to each State, under these compacts, the rule observed at the Department of the Treasury has invariably been to reduce the actual amount of sales, by deducting the expenses incurred in surveying and selling the lands, and to calculate the five per cent. due to the State on the sum which shall appear after making these deductions.

Conforming to this practice, which could not be departed from without some special provision by law, the same rule must be observed in the distribution contemplated by the bill under consideration. Taking the amount of sales for the past year as the data on which to calculate the probable sales in future years, (and experience has shown that they will rather increase than diminish,) the amount to be divided on these principles could not fall short of three millions of dollars annually. But it is manifest, that the items included in the estimate of the Senator might, according to his own reasoning, be extended to a great variety of objects which he has not enumerated.

Besides the large sums paid to the State of Georgia, to France, under the Louisiana treaty, and to Spain, for the cession of Florida, the Senator from Missouri insists that we must deduct. 1st. Indian annuities. 2d. The sums paid for the relinquishment of Indian title of occupancy. 3d. The whole expense of Indian intercourse. 4th. The salaries of all the land officers, and their clerks, throughout the United States. 5th. The appropriation annually made for surveying the public lands, and to the General Land Office, at the seat of Government, including the salary of the Commissioner, his clerks, and all others in his employment in that department. I ask, why did the Senator not include the salary of the Secretary of the Treasury? He is by law placed at the head of the land department. Why not also include the salary of the President? He has numerous duties to perform in the disposal of the public lands, and among them the very onerous and almost impracticable duty of affixing his signature to all the patents which may be issued to purchasers. Various other charges of a similar character might be mentioned, which would properly come within the rule laid down by the honorable Senator from Missouri. But I consider the objection as mere declamation, unsupported by a proper interpretation of the existing laws; inconsistent with common sense and the plainest dictates of justice, and contrary to all the antecedent actions of the Government in estimating what are denominated the nett proceeds of the sales of the public lands. The Senator from Missouri has delivered a labored argument to show that an annual appropriation of two millions of dollars will be necessary for defraying the expenses incident to the gradual acquisition of Indian titles, and other objects connected with the sales of the public lands; from which he draws the inference that no revenue has ever accrued to the United States, and none is likely to accrue, from the sales of these lands; and he has examined the provisions of several Indian treaties, to establish the position which he has assumed, that the mere purchase of the right of occupancy from the several tribes of Indians costs the Government more than the minimum price at which the public lands are directed to be sold by law. Since this novel and extraordinary idea was advanced in the debate, I have turned my attention more particularly to the various Indian treaties which have been made since the establishment of the Government, to ascertain the estimated price per acre which had been given from time to time for the extinguishment of Indian titles. I have examined the instructions from the Department of War to commissioners appointed to form Indian treaties; and I find that, in almost every instance, they were limited to one cent per acre, on the quantity of lands supposed to be ceded, and were positively instructed not to exceed that limitation, including the expense of the treaty, the round sum stipulated to be given for the ceded lands, and the annuities and other presents granted to the Indians. In the year 1807, during the administration of Mr. Jefferson, it will be seen, by the instructions from General Dearborn, then Secretary of War, to Governor Hull, authorizing him to treat with the chiefs of various Indian tribes or nations for the relinquishment of their right of occupancy, that he is explicitly instructed not to exceed two cents per acre.

Among other things, the instructions contain the following sentence:

"It will be difficult to ascertain, with any tolerable degree of certainty, the quantity of acres included in any purchase you may make; but you will endeavor to calculate the price in such manner, as not, on any condition, to exceed two cents per acre; and I presume it will not be necessary to exceed one cent per acre."

I might refer to other instructions of similar import, but I content myself by stating, in general terms, that although, at subsequent periods, these limits have been transcended, a fair average of the whole of the purchases from the Indians, made up to the present time, will not exceed four cents per acre, exclusive of Indian reservations, which are never taken into the estimate.

I ask, therefore, on what foundation the Senator from Missouri rests the broad declaration which he has made, that the extinguishment of Indian title costs the Government more than the minimum price of the public lands; that these lands produce no revenue to the national treasury; and that it would be sound policy, in future, to stipulate for the sale of all such lands as may be hereafter ceded, for the sole benefit of the Indian tribes who make the cessions? He has resorted to every source of expenditure, having the most remote relation to the public lands, and thereby swelled the amount to more than two millions of dollars annually. He has relied on his own exaggerated statements, unsupported by the official records of the country, to prove that the price actually paid to the Indian tribes exceeds one dollar and twenty-five cents per acre, although the contrary has been already shown by the instructions and treaties to which I have referred; and in this manner, and by this process of reasoning, he gravely draws the conclusion that the bill under consideration, if enacted into a law, will be worthless to the States, as there will not remain, according to his views, one cent to be distributed among the States after his enormous, and, I will add, ridiculous enumeration of charges shall have been paid at the public treasury.

But the Senator has given a sufficient answer to his own argument, when he denounces this bill as No. 3 in the series of measures proposed for perpetuating the system of high duties, for the protection of domestic manufactures. He deprecates the withdrawal of the nett proceeds of the public lands from the treasury, because he alleges that duties on foreign importations must be imposed to supply the place of the three millions of dollars which this bill proposes to distribute among the States; and yet we are told, at the same moment, that these lands do not cover the sum required to purchase them of the Indian tribes, and the expenses incurred in bringing them into market. This is, indeed, reasoning in a circle, in the progress of which the Senator assumes false premises, and arrives at conclusions directly opposed to those premises.

I shall, however, sir, have occasion to recur again to this view of the subject, and will for the present dismiss it, and proceed to notice the objections which have been urged against the bill, both as to its principle and details.

The first objection, in the order of this discussion, which has been made to the passage of the bill, is, that the objects designated as those only to which the several States shall be permitted to apply their respective proportions of the general fund are unconstitutional, and for which Congress could not appropriate directly the money of the United States, and therefore they cannot indirectly appropriate it, by granting the nett proceeds of the sales of the public lands for the purposes specified in the bill.

The first section of the bill contains a special provision in favor of the new States, within which the public lands are situated, by which they are to receive, in addition to the five per centum heretofore allowed, twelve and a half per centum upon the nett amount of the sales of the public lands which shall subsequently be made within the several limits of said States.

This sum of twelve and a half per centum is to be appropriated by the States "to some objects of internal improvements, or education, within the said States, under the direction of their respective State Legislatures."

The second section of the bill provides, that, after deducting the said twelve and a half per centum, the residue of the nett proceeds of the public lands shall be divided among the twenty-four States of the Union, according to their respective federal representative population, to be applied by the Legislatures of said States to objects of "education, internal improvements, colonization of free people of color, or reimbursement of any existing debt contracted for internal improvements, as the said Legislatures may severally designate and authorize." These are the purposes contemplated in the bill, to which the fund shall be applied, after it shall have been distributed among the States.

The question then arises, are these objects for which the public domain of the United States cannot be granted without a violation of the constitution?

The Senator from Tennessee, [Mr. GRUNDY,] and the Senator from Kentucky, [Mr. BIBB,] have taken ground in their argument, on this subject, against the exercise of the power to dispose of the public lands for the specific purposes enumerated in the sections of the bill to which I have referred.

If the reasoning advanced by these honorable Senators be sound, they at once destroy the bill, and it will be unnecessary to enlarge the discussion on the details or expediency of the measure. But considering, as I do, their positions unsound and untenable, I must be permitted to dissent from them, and beg the indulgence of the Senate while I offer very concisely my views on the constitutional difficulty which they have urged in opposition to the bill.

Prior to the adoption of the federal constitution, as I have attempted to show in a preceding part of my argument, Congress had no power to make any other disposition of the public domain than that which was authorized by the deeds of cession which had been accepted on the conditions therein contained.

During the existence of the old confederation, no grants of land were made to individuals or bodies corporate, nor in any other manner but in strict accordance with these deeds of cession.

The enlargement of the powers of Congress, under the new constitution, I have already adverted to, which in express terms confers on the National Legislature the power to dispose of the "territory and other property of the United States," without limitation or restriction, either in respect to the amount, or objects to which it should be appropriated.

I wish it to be distinctly understood, that I claim for Congress no power, by implication or construction, on this subject; I confine myself literally to the ceded powers, expressed in language which can neither be misunderstood nor perverted.

The general phraseology used in the third section of the fourth article of the constitution comprehends the power to admit new States into the Union, with the exception "that no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well of the Congress;" and also the power to dispose of the public domain, and other property of the United States, with a proviso, "that nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State." The language conferring both powers is the same, and each has been carried into practical operation according to their literal import. "New States may be admitted by the Congress into this Union."

Can honorable Senators point out any rule of construction by which this power can be limited, except in the cases specified in the article of the constitution to which I have referred? Was it confined to the original limits of the United States, as they were defined at that period? Certainly not. The power has been exercised in its broadest sense, and new States have been admitted, formed of territory acquired from foreign Powers, long subsequent to the adoption of the federal constitution.

The power over the public domain is equally comprehensive, and therefore cannot be limited in its exercise either by the conditions of the former deeds of cession, or the treaties by which it has subsequently been acquired. This opinion, it will be seen, is in strict conformity with the action of Congress on this subject, from the foundation of the Government up to the present time. Will honorable Senators say that there is a limitation in this grant of power? If so, where is the limitation to be found? None such exists, either in the letter or spirit of the constitution. I am supported in these views by a cotemporaneous exposition given of the section of the constitution embracing the subjects to which I have referred. In the 43d number of the Federalist, written by James Madison, one of the illustrious founders of the constitution, these powers are expounded as they were understood by the writer at the time the constitution was adopted.

Mr. Madison, in speaking of the admission of new States, says—"In the articles of confederation no provision is found on this important subject. Canada was to be admitted of right, on her joining in the measures of the United States; and the other colonies" (by which were evidently meant the other British colonies) "at the discretion of nine States." The eventual establishment of new States seems to have been overlooked by the compilers of that instrument. We have seen the inconveniences of this omission, and the assumption of power into which Congress have been led by it. With great propriety, therefore, has the new system supplied the defect. The general precaution that no new States shall be formed without the concurrence of the federal authority and that of the States concerned, is consonant to the principles which ought to govern such transactions. The particular precaution against the erection of new States, by the partition of a State without its consent, quiets the jealousy of the larger States; as that of the smaller is quieted by a like precaution against a junction of States without their consent.

On the remaining part of the section which I have already quoted, having relation to the disposal of the territory and other property of the United States, Mr. Madison adds, "This is a power of very great importance, and required by considerations similar to those which show the propriety of the former.

"The proviso annexed is proper in itself, and was probably rendered absolutely necessary by jealousies and questions concerning the Western territory, sufficiently known to the public."

This I consider to be the true and only legitimate interpretation of the clauses in the constitution to which they relate. Mr. Madison does not even intimate a limitation on the powers of Congress, arising out of the conditions in the deeds of cession, or compacts entered into under the confederation; and surely, if it had been the intention of the framers of the constitution to restrict the action of Congress, in conformity with these deeds of cession or compacts, it would have been of sufficient importance to have attracted his attention, and must have drawn from him, while treating of this subject, a full and explicit explanation. None such has been given, from which I draw the conclusion that we are left without any guide which can lead us to a construction of this power distinct from that which accords with the words of the constitution.

But it has been said that the constitution of the United States did not confer on Congress the power to depart in any manner from the deeds of cession under which the public domain was acquired.

And this opinion rests for its support on the proviso in the article, "that nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State;" from which it is inferred that the delegated power meant nothing more than to vest Congress with authority to make all "needful rules and regulations" for carrying these deeds of cession into effect. All beyond this is said to be undelegated power. I confess I am at a loss to trace the singular process of reasoning, by which any one, in the full possession of a sound mind, could have arrived at a conclusion so totally inconsistent with the plainest dictates of common sense, and so contrary to all the rules by which written instruments are to be construed and expounded. The proviso has not the remotest relation to the power delegated; but, out of abundant caution, it was inserted to quiet the apprehensions and jealousies which at that time existed among the States in relation to the unsettled boundaries of their Western territory. This is the view taken of it by Mr. Madison, and assuredly it can mean nothing more.

The construction contended for would lead to the absurdity of abrogating an important power explicitly conferred on Congress, by a mere proviso inserted to guard against contingent evils, which might by possibility arise in the execution of the granted power.

The idea is too ridiculous and absurd to merit even the short notice which I have taken of it. Having, as I trust, sufficiently shown the nature and extent of the powers of Congress, in reference to the public domain, I shall proceed to answer the objections which have been made to the appropriations of the public lands, or the money accruing from the sales of such of them as may be brought into market, to the purposes enumerated in the bill. The honorable Senator from Tennessee [Mr. GRUNDY] contends that we have no power to appropriate the public money to works of internal improvement, or for the support of schools, within the limits of the several States; hence he concludes that we cannot apply the public lands to these objects.

I do not deem it necessary, on the present occasion, to deny the premises of the honorable Senator, in respect to appropriations of the money in the treasury of the United States to internal improvement, or education; but I utterly deny the correctness of the conclusion which he has drawn from these premises.

The power to levy and collect taxes, duties, imposts, and excises, is given for the express purpose of paying the debts, and providing for the common defence, and for the general welfare of the United States. It may well be doubted whether the revenue derived from these sources can be constitutionally applied to any local purpose within the limits of a sovereign State of the confederacy. But the power which it is now proposed to exercise, in distributing among the States, who are the joint owners of all the public lands, the money accruing from the sale of these lands, is of a character wholly different from that which relates to revenue from taxation. In the one case Congress may exercise unlimited discretion over the subject, according to the views which may be taken of the public good; and in the other, the power can only be exercised under the limitations specified in the constitution.

The distribution which it is proposed to make of this fund among the States, leaves it subject to the sound discretion of their respective Legislatures; it is not to be applied, in any event, according to the will of Congress.

The stockholders, having redeemed the mortgage, which, by general consent, and by acts of legislation, operated as an implied lien upon the public lands for the speedy discharge of the national debt, now desire to make an annual division among the partners, according to an equitable ratio of the joint income to which they are entitled, for the common and separate benefit of each, reserving to themselves the control and application of their respective proportions, but concurring in the general objects to which it shall be appropriated, for the advancement of the prosperity and welfare of the country.

And, sir, I ask if there is any rule of moral action, or principle of constitutional restriction, which can be interposed to prevent an arrangement so manifestly beneficial to the parties interested in this great and increasing fund?

The construction which has been put upon the powers of Congress, in relation to the disposal of the public lands of the United States, is to be found in every page of our statute book. No limitation on these powers has ever been recognised, but they have been uniformly deemed as broad as language could make them; and in all our legislation under these powers, no questions have arisen, except in reference to the expediency of the various measures which have from time to time been proposed, and adopted, or rejected. The public lands have been granted in donations to private persons, having no other claim to them than actual settlement and cultivation, and the bounty of Congress. Large grants have been made, as a reward for meritorious public services, to colleges, seminaries of learning, and common schools; to institutions for the instruction of the deaf and dumb, to internal improvements, and a variety of other objects, a summary of which is contained in a report of the Commissioner of the General Land Office, in answer to a resolution which I had the honor to submit to the Senate on the 20th April, 1832, which I beg leave to read to the Senate.

[Mr. P. then read the report as follows:]

"GENERAL LAND OFFICE, *May* 9, 1832.

"SIR:—In obedience to a resolution of the Senate of the United States, passed on the 20th ultimo, in the words following, to wit:

"*Resolved*, That the Commissioner of the General Land Office be directed to report to the Senate a detailed statement of the donations of the public lands of the United States, made to the several States of the Union, and Territorial Governments, to bodies corporate created within the States, and to individuals for public services, or for other causes, either by special or general laws, specifying the objects for which such donations have been granted to the States and Territorial Governments.

"I have the honor, herewith, to submit the enclosed statement, furnishing the information required.

"With great respect, your obedient servant,

"ELIJAH HAYWARD.

"The PRESIDENT OF THE SENATE."

STATEMENT rendered in pursuance of a resolution of the Senate of April 20, 1832.

STATE OR TERRITORY.	Appropriated for internal improvements, education, or charitable institutions.				Lands appropriated for seats of Government.	Saline reservations.	Aggregate of the foregoing appropriations for each State and Territory.	Number of acres granted as donations to individuals, exclusive of private claims.
	Number of acres for internal improvements.	Number of acres for colleges, academies, and universities.	The 1-36th part of public lands appropriated for common schools.	For religious and charitable institutions.				
Ohio, . . .	922,937	(5) 92,800	678,576	(1) 43,525	-	-	1,737,838	(6) 151,700
Indiana, . . .	384,728	46,080	(2) 556,184	.	2,560	23,040	1,012,592	1,280
Illinois, . . .	480,000	46,080	977,457	.	2,560	206,128	1,712,225	2,080
Missouri, . . .	.	46,080	1,086,639	.	2,449	46,080	1,181,248	320
Mississippi, . . .	.	46,080	685,884	.	1,280	-	732,244	15,571
Alabama, . . .	400,000	46,560	722,190	(3) 23,040	1,620	23,040	1,216,450	14,740
Louisiana, . . .	.	46,080	873,973	.	-	-	920,053	12,880
Michigan, . . .	.	46,080	543,893	.	10,000	.	599,973	1,679
Arkansas, . . .	.	46,080	950,258	.	-	.	996,338	-
Florida, . . .	.	46,080	877,484	(4) 23,040	1,120		947,724	24,308
Aggregate, (acres)	2,187,665	508,000	7,952,538	89,605	21,589	298,288	11,057,685	224,558

Notes to preceding Table.

(1) Section No. 29, appropriated for religious purposes in the purchase made by John C. Symmes and the Ohio Company.

(2) Including lands appropriated for schools in "Clark's grant."

(3) For the benefit of the Connecticut Deaf and Dumb Asylum.

(4) For the benefit of the Kentucky Deaf and Dumb Asylum.

(5) Including salt spring reservations, which are authorized to be sold by the State, and the proceeds applied to literary purposes.

(6) Including donation of 100,000 acres to the Ohio Company.

NOTE.—No measures having been yet taken by the Government for the surveying and disposing of the public lands in the State of Tennessee, no attention has been given to the appropriation made of any part of that domain for the purposes of education, or other objects.

ELIJAH HAYWARD.

GENERAL LAND OFFICE, *May* 9, 1832.

Mr. P. proceeded—

Thus it appears that two millions one hundred and eighty-seven thousand six hundred and sixty-five acres of the public lands have already been appropriated by Congress to works of internal improvements in the several States and Territories; and the constitutional power of Congress to make the grants has, on no occasion, been contested, until the honorable senator from Tennessee has made the point in aid of his argument against the passage of this bill. The power is fixed in the constitution; it has been carried into practical operation, for benevolent purposes, throughout the whole history of the Government; it has never been doubted by any one; and the attempt to connect it with the general power of appropriating the money in the treasury to the same objects is equally novel and untenable. This view of the subject is fully established by the summary which I have just read to the Senate; and it cannot be necessary for me to refer in detail to reports of committees and other documents, which are on file, and may be seen by any Senator who shall think proper to examine them, clearly demonstrating the principles on which all these grants have been made.

I presume it will not be denied, if the lands unsold can be applied to works of internal improvements within the States, to be disposed of under the direction of the Legislatures, that the nett proceeds of the sales of these lands, after they have been sold by the Government, may, with equal justice and propriety, be appropriated in like manner. There can be no reasonable discrimination between a grant of land and its value in the market, whether it be sold by the Government of the United States or of the States to whom the grant is made. But the Senator is alarmed at that provision of the bill which authorizes the States to apply their respective proportions of this fund to the purposes of education.

He asks if Congress can exercise the dangerous power of regulating schools in the education of youth within the sovereign States of the confederacy? I answer the Senator by a simple denial that any such power is claimed, or that the words of the bill justify the inference that a system of education is contemplated to be prescribed to the States as a corollary of the measure now under consideration. The States are left, as heretofore, free to establish their own systems of education; to provide for the instruction of the poor and indigent orphan; to diffuse the lights of science among the rising generation, by means of well organized colleges and seminaries of learning; and to the accomplishment of these great ends, we offer them, not the money in the treasury collected on imposts, but a distributive share of the vast resources which are annually accumulating on the sales of the public lands, to be used for these important purposes, in any manner which may meet the views of the legislative body in each State. No encroachment on State sovereignty, no violation of the reserved rights of the States, or usurpation of power by Congress in this distribution, either expressed or implied, can be inferred from this act of humanity and benevolence.

The measure is recommended by every consideration of national policy, and its results cannot be otherwise than salutary in giving strength and stability to the Union, and perpetuating the blessings of our free institutions. It will be seen, by the statement transmitted from the General Land Office, that grants have already been made to the States and Territorial Governments for colleges, and academies, and universities, amounting, in the whole, to five hundred and eight thousand acres of the public lands; and for common schools the grants have amounted to nearly eight millions of acres.

Have these grants been made in violation of the constitution, or of the deeds of cession, compacts, or treaties, by which the public domain was acquired? Surely not, sir. I have endeavored to demonstrate the fallacy of this objection to the bill in a preceding part of my argument, and I now refer to an authority which I cannot doubt will satisfy the scruples of Senators who so highly appreciate the source from which it comes, and who have pronounced the eulogy of the distinguished individual whose constitutional opinion is conclusive on this subject. I have said that the public lands may be disposed of in such manner, and for such purposes, as Congress, in the exercise of a sound discretion, may think proper for the general good. I am supported in this opinion by the plain letter of the constitution, by the uniform practice of the Government, and by the Chief Magistrate of the United States, in his message to Congress of the 4th day of December, 1832.

After an elaborate view of the policy which is recommended for the final disposal of the public lands, President Jackson says:

"Among the interests which merit the consideration of Congress, after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present constitution it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States for the purposes of general harmony, and as a fund to meet the expenses of the war.

"The recommendation was adopted, and, at different periods of time, the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked.

"As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the *discretion* of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people.

"In examining this question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of the common country."

This paragraph in the message of the President covers the whole ground of the unlimited powers of Congress, in relation to the public lands, for which I have contended; it is clear, ample, and explicit, and needs no comments from me to interpret its meaning. Those who claim to be the exclusive friends of the President on this floor have denied the power which he here asserts to be in the National Legislature; they go back to the conditions annexed to the ancient deeds of cession to sustain them, and yet they tell us of the "*statesman-like views of the President,*" which they deem worthy of this enlightened age, and of the free and virtuous people over whom he presides. I hold these honorable Senators to their word, and leave them the alternative of surrendering the constitutional difficulty which they have so earnestly urged, or of retracting the eulogy which they have so eloquently pronounced on this message.

The discretion, thus admitted by the Chief Magistrate to be vested in Congress, has been asserted in another form by the opponents of the bill, when they urged the policy (and of course the power) of ceding the whole of the lands remaining unsold to the several States in which they are situated. Does such a proposition conform to the deeds of cession so often mentioned, and so much relied on to defeat the distribution among the States of the money arising from the sales of these lands? If the action of Congress is restrained by these deeds, in respect to the distribution for the common benefit of all the States, under what rule of construction do honorable gentlemen propose to bring the sweeping power which they claim to transfer the entire domain to the States within whose chartered limits they are situated?

But the President has carried out this broad principle of discretion by a plan of his own for the final adjustment of the public lands, which is commended by honorable Senators as a scheme founded in wisdom, and the most profound statesman-like policy. Permit me, sir, to read another paragraph from his message, comprising the plan which he recommends, and to offer some of my own reflections on the practical effects which might be expected if it should be the pleasure of Congress to adopt it. The President, after maturely considering this great subject, arrives at the following conclusion:

"It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers, in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the States, and that the right of soil, and the future disposition of it, be surrendered to the States, respectively, in which it lies."

This, sir, I consider a clear recognition of the power of Congress to reduce the price of the public lands, or to transfer them to the States whose jurisdiction extends over them; and the question arises, shall we concur in the recommendation of the President, or preserve the present system, and appropriate the money to objects intimately connected with the convenience and prosperity of the country at large? The right to make grants of land to the States, without a valuable consideration, or to sell them at a nominal price to individuals, involves an authority, if Congress shall so decide, to dispose of the proceeds in any manner which may be judged expedient.

This point being established, which I humbly conceive it has been, I shall next examine the plan proposed by the President, in reference to its probable operation on the prosperity of the new States, and the benefits which it is supposed to confer on emigrants who have not the means of procuring lands at the present minimum price at which they are directed to be sold at private sale.

If we estimate the sum paid for the extinguishment of Indian title at the average which corresponds with former purchases, of four cents per acre, and add the usual expenses attending the surveys, and all other expenditures incident to the sales, the public lands might be safely brought down to twenty-five cents per acre, to meet the demands on the treasury under the existing land system.

Could such a reduction be made with sufficient guards against a combination of speculators, who might unite with a large capital to purchase all the valuable lands subject to entry at the numerous land offices? I apprehend that this would be found impracticable.

The reduction of the price of the lands of the United States, professedly for the benefit of the poor man, is calculated to raise hopes and expectations which can never be realized.

No one is more anxious than I am to encourage emigration to the new States, and grant facilities to the emigrant in making a permanent settlement with his family on the waste lands of those States, and thereby not only obtain a home, where by honest industry he may provide the means of their comfortable subsistence, but contribute to open the forests, and redeem them from their state of rude nativity to a condition fit for profitable cultivation.

But I cannot believe that the plan of the Executive will be productive of these beneficial results to the poor who may find their way into the Western wilderness.

When we speak in general terms of reducing the public lands to a price which may bring them within the reach of the poorest individual, there is something peculiarly pleasing to the ear, which challenges instant and unqualified approbation, without the reflection and investigation so necessary to correct the judgment on all questions of grave legislation. The popular voice is raised in favor of the benevolent proposition, and the error is not seen until it leads to the most deleterous consequences.

The true policy of the Government consists in fixing the price of the public lands at a rate which will enable a poor man to obtain a quarter-section for a moderate sum, in case he takes possession, and cultivates it for a certain number of years, but, at the same time, to preserve the minimum price now established by law, which will effectually prevent large bodies of land from falling into the hands of moneyed capitalists, who may form themselves into companies for that purpose, if the sales are made at a lower minimum, and thereby render such investments profitable to those who make them.

If we put the lands in market at twenty-five cents per acre, my word for it, we shall very soon hear of companies, from one extreme of the Union to the other, with their millions of dollars, and their agents dispersed over all our land districts, whose business it will be to select the choice lands, and hold them at a price at least equal to their real value, which will operate to make tenants of the poor emigrants, who will thus be excluded from the privilege now enjoyed, of going into the land offices, and becoming the owners of small tracts at a price within the means of every man who labors for the maintenance of himself and family.

The proposition has not received the slightest attention from the Committee on the Public Lands, to which the whole subject was referred by the Senate; that important part of the message of the President has been entirely overlooked; and why is it resorted to in debate, and commended as a "statesman-like" view of this great question by the opponents of the bill? Why do those Senators dwell on the beauty of the system, and tell us of the advantages which it offers to the settlers, who may remove to the new States, and yet submit no definite proposition to carry it into effect? Sir, it is manifest that the argument is used *ad captandum*, to mislead the people of the new States, and excite their opposition to the liberal terms of distribution contained in the bill, under the specious guise of a desire to grant the lands for a consideration merely nominal, and ultimately to cede the waste lands to the States wherein they are situated, to be disposed of for their exclusive benefit; a system which no one seriously believes will ever be sanctioned by Congress, and which no one has ventured to bring forward with the proper details for the consideration of the Senate. The question which it involves is of the highest importance, because it is evident that the system will effectually transfer the public lands from the Government to companies, and subject the emigrants to the onerous terms of the agents of those companies; thereby making them tenants at will, instead of being the independent proprietors of the soil, at a moderate price, under the existing, well regulated system of laws providing for the disposal of the lands of the United States at the respective land offices established for that purpose. Under the existing system, the surveys are made with great care and accuracy by surveyors appointed and paid by the Government; correct maps are made of the country, designating each tract of land for sale, by legal subdivisions, from an entire township down to one-eighth of a section. These maps are open to every one who may desire to purchase. All the officers necessary to carry into effect the public and private sales, and the safe keeping of the records of titles, are appointed, and their salaries from year to year paid, by the Government. No country in the world has ever devised a system for the disposal of its domain combining so many advantages, and such ample security to those who become purchasers, as that which now exists in the United States; shall we then abandon it for some new untried experiment, the effects of which no one can calculate with any degree of certainty? I think, not. From every view which I have been enabled to take of the subject, after the most careful investigation of all its bearings, I cannot bring my mind to the conclusion that it would be sound policy to disturb the regulations heretofore adopted, and now in operation, for the sale and settlement of the public lands, except in the cases specified in the several amendments which I have had the honor to lay on the table, and which have been published for the use of the Senate. Of these amendments I shall speak hereafter. Under the existing laws, a poor man may become the *bona fide* owner of a quarter-section of valuable land, for the small consideration of one hundred dollars; and he may, if he chooses, purchase half that number of acres, which, in many of the new States, where slavery is not tolerated, would be fully adequate to all his wants, and furnish a comfortable settlement for his family. An industrious frugal man would never find it difficult to obtain the small sum necessary to make such a purchase, and thereby at once become a freeholder, and independent of all the world in the enjoyment of his own domicile. But what would be his condition if, by a sudden reduction of the *minimum price* to twenty-five cents per acre, we invite speculators into the market, whose investments will enable them to locate all the valuable lands, and hold them as lords proprietors, to be disposed of at their pleasure, on such terms, and at such rates, as will be productive of the largest amount of profit? No man can shut his eyes to the evil consequences of those monopolies on emigration, and the character of the increasing population of the new States. For independent freeholders we should substitute large masses of laboring tenants, who cultivate the soil, as the menials of some wealthy landlord, who fattens on the spoils of the industry and hard earnings of this valuable class of our citizens. These results must happen if we do not guard against them by law, which shall at the same time protect the poor man and keep the public lands at a price a little above the speculating point.

The experiments which have been made by the States on this subject clearly demonstrate that a reduction to a very low standard of the price of waste and unappropriated lands, with a view to extend benefits to the poor, by enabling that class of the community to become the owners of the soil in small parcels for actual cultivation, has invariably resulted in favor of monopolies and moneyed capitalists.

The example of Virginia illustrates, in a very striking manner, the practical effects of such a system. Sir, the fact must be familiar to almost every member of the Senate, that, a short time after the close of the war of the revolution, Virginia adopted the plan of selling her domain, by issuing what were called treasury warrants, at the reduced price of two cents per acre, to be located, at the discretion of the purchaser, on any vacant land within the commonwealth. This might seem to have been low enough to give every man in the State a fair opportunity of becoming a freeholder, and of making a permanent settlement for his family.

But was that the result of the policy? No, sir; it attracted the attention of moneyed men, companies were formed, both in Europe and America; and the vast mountain region in western Virginia was explored by agents of these companies, and surveyors, who located large bodies of lands, and obtained grants or patents for the trifling sum of two cents per acre; and thus hundreds of thousands of acres of land were in many instances granted to a single individual, while the poor man, who emigrated with his family to that part of the State, was entirely excluded from a participation in the benefits of the law, and was compelled either to purchase at a high rate from the wealthy speculator, or set down as his tenant, and labor to improve the country, not as the proprietor in his own right of the soil, but as a temporary occupant, liable to be removed at the will of his wealthy landlord. These were the consequences of an attempt to favor the poor by putting the public lands of that State in market, at a price which would bring them within the means of the poorest citizens; and similar results may be confidently looked for if Congress should now legislate on the same principles, under a belief that it will encourage emigration to the new States, and promote the welfare of the laboring classes, who may remove to the rich country in the great valley of the Mississippi. Sir, we do not want humble tenants, but independent freemen, who are lords of their own habitations, to fill up the population of that fertile and growing portion of the republic.

But it is said that the existing system operates as a heavy tax on the people of these new States; that it withdraws from them millions of dollars, which are expended in other sections of the Union; and that one of the provisions of this bill authorizes its expenditure in removing free people of color to be colonized in Africa.

We are told, also, that the abstraction of the revenue arising from the sales of the public lands, from the general purposes of the treasury, will perpetuate the present high rate of duties on foreign importations, of which the Southern States so loudly, and I will add, so justly complain. Mr. President, I ask if there be any solid foundation on which these objections rest? Sir, permit me to say, and I do so with the utmost sincerity, that if those views of the policy under consideration are correct, in all or either of the enumerated cases, I should be disposed to go as far as any honorable gentleman on this floor in my opposition to this bill. But, to my mind, they are the offspring of the imagination, and cannot be supported by any solid reason whatever.

I will inquire, first, Is the purchase of a tract of land by an individual from the Government a *tax* on the purchaser, under any circumstances? Nothing can be more clear to me than that it is not. Sir, it is purely a matter of contract, by which a man may improve his condition in life, and for a small sum acquire property, which, when reduced to possession, will be worth three or four times the amount of money paid for it.

Can any distinction be drawn between purchasers of real estate from a body politic and corporate, or a natural person? I presume not: they are founded on the same general law of contracts; and it might with the same propriety be contended that an emigrant who bargains with a land company for a quarter-section of land, pays a tax to the Government, from which the company purchased it, as to allege that it constitutes a tax on the original purchaser. In either case, it is a voluntary contract, to which each party assents, and nothing more. But if it be a tax, it is worthy of inquiry to what extent the burden falls exclusively on the people who now reside in the new States. Let us take the case of a citizen of Massachusetts or Virginia, or any one of the old States, who removes into Mississippi. He takes with him two thousand dollars in money, or a greater or smaller sum, which he immediately vests in the purchase of a portion of the public lands; this amount of money did not previously belong to Mississippi; it is an accumulation brought into the State by the emigrant; and if it be a tax paid into the treasury, it falls on the State from which the money is withdrawn, and not on the State into which it may be carried by the owner for his own individual purposes. Sir, I utterly deny that such a transaction can be properly regarded in the nature of a tax on any one who chooses to buy the lands of the United States, for his own convenience or advantage. The next subject of inquiry is, the appropriation which each State may make of its distributive share of the public lands.

The power is denied to Congress to appropriate money to internal improvements and education, of which I have already spoken. But the most objectionable feature of the bill seems to be that which relates to the colonization of free people of color. I admit, sir, that an appropriation by Congress of the money in the treasury for this object would be a usurpation of power not to be endured. The power has not been claimed in this discussion, and is not incorporated in the bill. No appropriation is either made, or contemplated to be made, by Congress, in aid of the colonization of free people of color. We know that memorials have been presented from the slave-holding States of Maryland, Virginia, Kentucky, North Carolina, and, I believe, Tennessee, praying Congress to act on this subject, and grant them the necessary means for transporting their free black population to Liberia. These memorials have been suffered silently to sleep on our files—they have not been acted on. But now, when the public debt is paid, when the public lands, pledged by the national faith to its payment, are redeemed, and remain at the disposition of Congress, for the common benefit of all the States, we propose to give to each State its proper proportion of this fund; and we answer the States who have asked assistance in accomplishing this benevolent object, so intimately connected with their safety and prosperity, by authorizing their respective Legislatures to use the funds to which they may be entitled for this purpose, if, in their discretion, they may think fit to do so. Is there any violation of the constitution in according to the States this privilege? Are honorable gentlemen afraid to trust this power to the representatives of the people of their respective States? Is my honorable colleague [Mr. BLACK] unwilling to confide this discretion to the Legislature of Mississippi? If he is, I can only say that I am not. Each State will decide for itself, without the dictation of Congress, or any department of the Federal Government, how far its interests may or may not be promoted, by giving the fund for the removal of what are denominated free negroes, or applying it to the other great purposes enumerated in the bill. I am willing, for one, sir, to repose in the States this confidence, without the slightest apprehension that it will be either abused or perverted.

The honorable Senator from Tennessee, [Mr. GRUNDY,] and the honorable Senator from Missouri, [Mr. BENTON,] have declaimed with much vehemence against the proposed distribution of the proceeds of the sales of the public lands among the States, on the ground of its tendency to corrupt the States, and extend over them the deleterious influences of this Government. Sir, it is the first time in my life that I have ever heard it seriously contended that either men or Governments were to be corrupted with their own money. It is agreed on all hands, that the public domain is the common property of all the States, to be used for their common benefit. On this ground the whole argument against this measure has been based. If, then, the States think proper to dispense with this source of revenue for national purposes, when it is no longer wanted, and to distribute it in just and equitable proportions among themselves, to be applied to the beneficent and highly valuable objects of internal improvements, the education of youth, and, if they please, to colonization of free people of color, is there any danger that they will corrupt themselves by such a use of a fund acknowledged to belong to them, as a body of political sovereignties? The idea appears to me to be both novel and absurd. The natural effect will be precisely the contrary. It will render the States more independent; it will put an end to the long disputed questions on the policy and constitutionality of internal improvements by the General Government. Our table will not hereafter be crowded with petitions and memorials for appropriations to open roads and canals from every quarter of the country. Each State will look to its own resources for accomplishing its own internal works of improvement, and will, to that extent at least, feel a corresponding independence on the action of Congress. It will bind the States together by a stronger cord of union, and diffuse among them a feeling of brotherly kindness and affection. The face of the whole country will be adorned and beautified by an inexhaustible income, which from year to year will open to the eye new roads for the accommodation of travelling, and the transportation of agricultural products to a suitable and profitable market, and new avenues to internal commerce, by means of canals, and the improvement of our numerous rivers. If, sir, these results are to be expected, as I think they may be, from the passage of the bill, the corrupting influences so much deprecated will vanish into thin air, and leave us in the enjoyment of a glorious sunshine of prosperity and union.

On the other branch of this inquiry, relating to the effects of this distribution on the existing tariff of duties, I confess my great surprise at the conflicting arguments which have been urged by honorable Senators opposed to the bill.

The President recommends to Congress to dispense altogether with the public lands as a source of revenue to the treasury! He says, and truly says, that it is not necessary or proper to bring their proceeds into the general scope of the expenses of the Government. I have already expressed my disapprobation of his plan. But honorable gentlemen have said that they deem it full of wisdom, sound policy, and patriotism, and yet they turn round, and gravely tell us that this bill ought to be rejected, because it withdraws three milllions of dollars from the national treasury to be distributed among the States, and, as a necessary consequence, requires that amount to be supplied by imposts on foreign importations. Both the message and the bill are founded on the *postulatum* of dispensing with the lands of the United States as a source of revenue; they differ only in the mode of carrying this principle into effect; and while the one is extolled as a "statesman-like" view of the question, the other is denounced as No 3 in the measures proposed to perpetuate on the people an odious and exorbitant tariff of duties. If, sir, it may be designated as No. 1, or No. 3, in the catalogue of the honorable gentlemen who consider it connected with the question of imposts, it follows, in that respect, the policy of the Executive; and I have yet to learn on what principles they can approve the one, and condemn the other. But there is, in fact, no such connexion as the Senators imagine between the two questions; they are wholly separate and distinct, founded on considerations of policy, entirely independent, and in no manner whatever affiliated. Sir, we all know that the public lands, bring what they may from time to time into the Treasury, never have, and never will, control our policy in levying imposts and regulating foreign commerce. High duties are often imposed to retaliate the injustice of other nations with whom we have commercial relations; sometimes they are necessary to meet the ordinary expenditures of Government; but in every system of revenue which has been framed, since the adoption of the federal constitution, the protection of domestic industry and the arts has, to a greater or less extent, formed an ingredient. These important considerations, whether collectively or separately, have uniformly governed our legislation in taxing articles of consumption imported into the United States; and I defy contradiction when I say, that in no instance can it be shown that the revenue derived from the public lands has been regarded as furnishing a reason for *reducing* or *raising* the rate of duties on imposts. But I find it difficult, sir, if not impracticable, to detect, by any direct researches, the incongruities and palpable contradictions, both of principle and fact, which have been interwoven into this debate by the ingenuity of honorable Senators, who feel the necessity of resorting to these conflicting arguments from the peculiar position which they occupy.

They *dare* not condemn the President, who tells them plainly that the public debt is, in effect, paid, and that in future the public lands ought not to be looked to as a source of revenue; and, as in duty bound, they oppose the passage of this bill, because it accords in that particular with the views of the President! At one time we are told that the distributive principle is illusory; that there will be no money to divide, after defraying the expenses of sale, and the price given to the Indian tribes for their right of occupancy; at another time we are admonished that three millions of dollars will be taken from the treasury and divided among the States, which must be replaced by a high rate of duties. We are warmly and zealously urged to bring down the public lands to a nominal price, and no longer consider them a part of our revenue system; and then we are gravely told that this precise measure which they recommend is fraught with incalculable mischiefs, and is more particularly injurious, as it will operate to fasten on the Southern States the present tariff for the protection of domestic manufactures. These are a few only of the many opposite extremes to which honorable gentlemen are driven in making out something like an argument against the measure under consideration.

The only material difference between the plan of the Executive, and that contained in the bill, consists in the question—shall we abandon our present land system, and put the lands at a price which will simply restore to the Government the cost of surveying and selling them, which I have estimated at twenty-five cents per acre, and thereby tempt moneyed men and speculators into the market, who will very soon take the place of the Government, as the owners of all the valuable lands which have been surveyed? Or shall we adhere to the laws heretofore passed on that subject, for the real advantage of the laboring class who migrate to the new States, and use the proceeds as directed in the second section of the bill? After the most careful investigation of this great question, in reference to its operation on the interests of the whole country, I have formed the deliberate and decided opinion, that our wise and well-digested code of land laws ought to be preserved, with slight modifications; and I can perceive no sound objection to the distribution of the nett proceeds provided for in the bill.

It cannot fail to produce beneficial results both to the old and the new States, and especially to the latter, as I shall endeavor to prove clearly and conclusively, I hope, before I resume my seat.

Mr. P. then proceeded to examine the special provisions of the bill in favor of the new States. Sir, said he, the provisions to which I am about to refer were not in the original bill reported at the last session of Congress, but were incorporated, on my motion, as amendments, when it came before the Senate. I frankly own that had they been negatived, I should have voted against the bill in the shape in which it was at first presented by the honorable Senator from Kentucky, [Mr. Clay.] They were, however, adopted, and to my mind they place the new States on a footing, in the proposed distribution, highly advantageous to them; and, as a Senator from one of those States, I cannot withhold from the measure my support. By the first section of the bill, there is set apart to each of the new States 12½ per centum on the nett proceeds of the public lands, within the limits of those States respectively, which may be sold from and after the 31st day of December, 1832. The terms of the compacts entered into by these States with the Government of the United States, on their admission into the Union, stipulated that 5 per centum on the sales of the public lands was to be paid to each of the said States for certain specified purposes. The aggregate amount, then, to which each State will be entitled before a general distribution is made, if this bill shall become a law, is 17½ per centum on the nett amount of the sales of the public lands within its limits.

This sum so reserved is to be applied to some "object or objects of internal improvement or education within the said States, under the direction of their respective Legislatures."

The 5th section of the bill, in addition to the sum directed to be paid to each of the new States by the 1st section, to which I have referred, grants to the States of Mississippi, Louisiana and Missouri, a quantity of five hundred thousand acres of land, and to the State of Indiana one hundred and fifteen thousand two hundred and seventy-two acres; to the State of Illinois twenty thousand acres, and to the State of Alabama one hundred thousand acres of land, lying within the limits of said States, respectively, to be selected in such manner as the Legislatures thereof shall direct, and located in parcels, conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location.

The nett proceeds of the sales of the lands so granted are to be faithfully applied to works of internal improvement within the aforesaid States, respectively.

It is further provided, that nothing in the bill contained shall be construed to the "prejudice of future applications for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the States within which they lie, nor to impair the power of Congress to make such future disposition of the public lands, or any part thereof, as it may see fit."

These liberal grants, both in land and money, are made to the new States, besides the equal proportion to which they are entitled, according to their respective federal representative population, under the general distribution.

Combining the 17½ per cent., which is to be deducted before the distribution of the residue of the common fund, with the amount which will accrue to each new State as its proportion, I have estimated the whole as amounting to about thirty per cent. on the sales which may be made in each State. This estimate must, of course, depend on the quantity of land which may be sold in each year, and may vary according to that standard. I respectfully ask, sir, if these grants are not liberal, far transcending the donations made at any former period of our history to any one of the States within which the public lands are situated? To me it appears that if this offer is rejected, we may indulge a lingering hope of obtaining our ultimate wish by a transfer of the entire domain for a century to come, and at last it will be but a dream, and end in cruel disappointment.

Nor can I bring my mind to the conclusion, that such a result, if it were to happen at this time, would be productive of greater pecuniary benefits to the new States, than the annuity which it is now proposed to grant them. Some of us, at least, know that Kentucky opened an office for the sale of her waste lands, and they were sold. But was the State treasury replenished by these sales? No, sir; it was made a popular theme on which unworthy men appealed to those interested, and by that means thrust themselves into the legislative halls, for the very purpose of postponing, and finally surrendering the debt, incurred by the purchasers to the State. Who can doubt that the same scenes would be acted over in any State having the disposal of a large extent of unappropriated territory?

But if I am wrong in this opinion, I cannot be mistaken in the other view which I have taken of the subject—that a cession by the old States of their interest in the public domain is not to be expected, until the existing Government shall be overthrown, and a new one erected on its ruins.

Shall we act wisely in rejecting a present good, because it falls short of the utmost limit of our hopes and expectations? I think not. But, sir, I beg the indulgence of the Senate, while I offer some views of the practical operation of this bill on the State which I have the honor, in part, to represent on this floor.

Thirty years have elapsed since the public lands in Mississippi were put in market, and seventeen years since that State was admitted into the Federal Union.

What, sir, during this whole period, have we gained from the sales, made under the authority of the United States, of their lands within our limits? Why, sir, substantially nothing. The miserable pittance of five per cent. on these sales was given us by compact, for which we gave in return a much greater amount, by our agreement not to levy a tax on the lands sold by the Government until the expiration of five years after the sale. What shall we gain in thirty years to come, if this bill does not become a law? I answer—nothing, which can be turned to any profitable account.

Let us then inquire what will be the reasonable amount of income to the State, if we receive hereafter seventeen and a half per cent. on sales within the State, an equal dividend on the entire sales throughout the United States, and a sweeping grant of five hundred thousand acres of land, to be located in half-sections, under the direction of the Legislature?

The sales of the past year have amounted to something over two hundred thousand dollars, but that does not furnish a proper standard by which to estimate the probable amount of sales in future years; or, at any rate, for the period to which this bill is limited.

The Choctaw tribe of Indians have recently ceded to the United States the whole of their lands east of the river Mississippi, of which about eleven millions of acres lie within the boundaries of the State of Mississippi.

The Chickasaw tribe have also entered into a treaty, of which I am not now at liberty to speak, as it has not been ratified by the Senate.

The surveys of the Chocktaw purchase are rapidly progressing, and it is believed that they will be thrown into market in the course of the present year. I calculate that, so soon as these sales are opened, the nett proceeds, for several years to come, will average about five hundred thousand dollars. But I deem it quite within the bounds of moderation, to put the average for five years at three hundred thousand dollars. At this latter estimate, the annual income of the State, at seventeen and a half per cent., would be fifty-two thousand five hundred dollars, making, in the whole period of five years, the round sum of two hundred and sixty thousand dollars, or thereabouts. This is exclusive of the amount which we should receive on the general dividend, which would not fall short more than eight or ten per cent. of the sum specially reserved to the State.

In addition to these large sums, which may be wholly applied to the endowment of colleges, seminaries of learning, and common schools, at the discretion of the Legislature, we have the grant of five hundred thousand acres of land, for works of internal improvements, which, if judiciously located, will be more than adequate to all the expenditures required to render our rivers navigable, open canals for internal commerce; and to construct the great roads leading through the State, which are so necessary to connect the interior with the market towns, at which the planter annually delivers his bulky articles of agriculture.

These are the eminent benefits placed within our grasp; and shall we, who represent the people, and are bound by the most solemn obligations to advance their interests on all proper occasions, cast them from us in pursuit of objects which can never be attained, or on some vague notions of political economy, too remote to be brought into active operation, and resting on speculative opinions, which have no solid foundation, and are unworthy of a moment's consideration, in the progress of sober legislation, for purposes of practical utility to the country?

Sir, I cannot consent to place myself before my constituents in that attitude. I know, and feel, the importance of the relief which the passage of this bill will afford them; and so far as the influence of my vote will contribute to that desirable end, they shall not be disappointed. The grant of land, if properly located, immediately after the first sales are closed, may be estimated at the average value of three dollars per acre. The State would thus require a fund of one million five hundred thousand dollars, which, with the annual income from the sales of land for five years, could not, in my judgment, fall much, if any, below the enormous sum of two millions of dollars.

Sir, the people of the State, I am persuaded, cannot be so far blinded by party feelings, or party factions, as not to see and appreciate the enviable condition in which these large grants will place them.

Be that as it may, I am here to perform my duty, in the discharge of the high trust confided to me; and I shall fearlessly act on all subjects, brought to the consideration of the Senate, according to my honest convictions of what is due to the honor and prosperity of those whom I represent.

But my honorable colleague, [MR. BLACK,] and the Senator from Missouri, [MR. BENTON,] have taunted us with the insinuation that these grants are put into the bill, as a *douceur* or *bonus*, to enlist the support of Senators who represent the new States.

They proceed to tell us that they spurn the *bonus*, and refuse the service for which it is offered.

The honorable Senators have my permission to apply any epithet to these grants which may best accord with their own peculiar taste, and, so far as it may concern themselves, to act in obedience to their own impressions, however fallacious they may be, or however coarse the language employed to convey these impressions.

I can only say for myself, "let the galled jade wince; my withers are unwrung."

Sir, for what purpose am I sent here, if it be not to advocate measures, conferring benefits on my constituents? Was it ever heard before, that a Senator, who, looking with a vigilant eye into the actual condition of the State which had honored him with its confidence, sought, on all proper occasions, an opportunity to advance its interests, and promote its welfare, thereby subjected himself to the imputation of accepting a *bonus* as a consideration for his vote?

Is there a single Senator present who is not liable to the imputation?

Sir, I beg leave to tell the honorable gentlemen, who have introduced this new rule of parliamentary ethics, that, if in the arrangement of any important interest of the country, my constituents happen to be particularly favored, without prejudice to their fellow-citizens in other sections of the Union, I shall never hesitate to accept the "*bonus*," however unpleasant it may be to the morbid sensibility of honorable Senators who, perhaps, look for their reward for services rendered in another quarter.

I came here for that especial purpose, and shall keep it steadily in view, as a part of my duty which shall never be neglected.

But, sir, there is another description of "*bonus*," which is not unfrequently offered within the limits of the ten miles square, which I utterly disdain and reject.

It consists of a small piece of parchment, under the broad seal, which is never tendered to any but the *faithful*.

The *recruit* who accepts it is bound by a pledge never to disobey the commands of the chieftain under whose banner he enlists; and in all things to conform his actings and doings to the will of him, "who was born to command," his heir and *successor*. Such a *bonus*, accepted on such conditions, may well be supposed to corrupt the sources of legislation, and mislead the judgment in matters of great national concern. If honorable Senators can guard themselves from these influences, and indignantly repel them, as foul encroachments on the purity and independence which ought to be maintained in the faithful discharge of their public duties, they will find less difficulty in tracing my support of this bill to more lofty considerations than the temptation of gain, or the seductions of profit, which it holds out to my immediate constituents. I am well acquainted with their wants, and, in my endeavors to relieve them, I stand erect before the people, and am not alarmed lest they should ascribe to me such unworthy motives, and refuse the "*bonus*" which I may be so fortunate as to obtain for them.

Is my honorable colleague [Mr. Black] unmindful of these wants? Have we not numerous rivers capable of being rendered navigable for steamboats to a great distance into the interior of the country, passing through rich and highly cultivated portions of the State? Are there no canals to be cut, intersecting these rivers, and affording cheap and convenient channels, through which the planter may carry the products of his labor to market? Are there no colleges and seminaries of learning in the State, calling for endowments to bring them to maturity, and render them practically useful in diffusing the lights of science and the benefits of education to the rising generation?

Sir, we have all these important objects to provide for, which are sufficient to call forth the anxious solicitude of every citizen in the State. Our population cannot bear the burden of taxation to an amount which would be required for all, or either of those objects, so necessary to the growth and prosperity of the State. Shall we, then, act wisely, in rejecting the means now proposed to be put into the hands of the Legislature, so ample for their accomplishment?

It is my firm belief, that if the present occasion is permitted to pass without the relief which is imbodied in this bill, we may hope in vain for any assistance hereafter from Congress. The best portion of the State will very soon be in market; our locations must be made immediately thereafter; and if not made in two or three years from this time, the grant of five hundred thousand acres of land to the State will not be worth the parchment on which it is written.

All the lands of any value, capable of cultivation, which are not purchased at the public sales, will be subject to entry at private sale; and we may reasonably expect that the lapse of a few years will not leave a spot which will command one dollar and a quarter per acre, on which this grant can be located.

This is the precise moment for action, and I shall act on the conviction that the passage of the bill is identified with the welfare and best interests of each of the new States, and especially that of which I am an humble representative.

[Mr. P. here complained of fatigue; and, on motion of Mr. WEBSTER, the Senate adjourned.]

Monday, January 21.

Mr. WILKINS, from the Committee on the Judiciary, to which was referred the message of the President, accompanying copies of the proclamation, &c., reported a bill further to provide for the collection of duties on imports. The bill

SIGNING LAND PATENTS,

Describing the mode by which patents for public lands may be signed and executed, was taken up, as in Committee of the Whole.

An amendment, limiting the operation of the act to March, 1837, was agreed to.

Mr. POINDEXTER then stated his objections to the bill, and wished for time to substitute a provision for a *fac simile* of the President's signature, in lieu of the existing provision to authorize the employment of a Secretary by the President for the purpose of signing patents. He therefore moved to lay the bill on the table; but the motion was negatived—ayes 13, noes 16.

Mr. KANE then moved to fill up the blank for the salary of the Secretary, by inserting 1,500 dollars.

Mr. RUGGLES moved to lay the bill on the table--ayes 13, noes 16.

Mr. POINDEXTER moved to fill up the blank with 1000 dollars.

After a few words from Mr. HOLMES, the question was taken on the largest sum, and decided in the affirmative--Yeas 15, Nays 14.

Mr. POINDEXTER then moved to amend the bill, by inserting, after the word "President," the words "and in his presence."

The motion was negatived.

The bill was then reported as amended, and the amendments being concurred in, the bill was ordered to be engrossed for a third reading.

PUBLIC LANDS.

The Senate resumed the bill to distribute, for a limited time, the proceeds of the sales of the public lands; the question being on the motion of Mr. Poindexter to amend,

Mr. POINDEXTER again rose, and resumed his argument commenced on Saturday.

He said, he would add a few words to what he said when he last had the honor to address the Senate, in relation to internal improvements and education, and the means to give support to them in Mississippi.

He had stated that the population of that State could not accomplish these great objects by resorting to a system of exorbitant taxation; the people would not bear it. This fact was clearly demonstrated by the numerous petitions and memorials which were annually transmitted to their Senators and Representatives in Congress, from the Legislature, praying grants of a few thousand acres of land, for clearing away obstructions in their navigable rivers, for opening canals, and for the encouragement of education, by the establishment of colleges and seminaries of learning.

He had the other day presented such a memorial to the Senate, praying for a grant of a township of land to a new and flourishing college in the town of Clinton. He would only add, if these partial grants were deemed of so much importance as to attract the attention of the Legislature from year to year, would it not be folly and madness in her representatives here to set their faces against a grant which would more than cover all the wants of the State, in perfecting her wise system of internal policy?

He felt himself bound by the imperious obligations of duty to accept the grant, and thereby remove the insuperable difficulties which interposed to retard the growing prosperity of the State.

Mr. President: I have endeavored, in the views which I have already taken of the subject before the Senate, to establish:

1st. That no part of the public domain of the United States was acquired by conquest.

2d. That the States, in conquering their separate independence on the crown of Great Britain, succeeded to the sovereignty and jurisdiction of the territory within their respective chartered limits.

3d. That to provide for those who fought our battles in the war of the revolution, and to pay the debt incurred in that glorious and arduous struggle, the States having waste and unappropriated lands in the Western wilderness magnanimously ceded them to the General Government for those purposes, without an equivalent in money, on certain specified conditions, which were binding on the old Congress under the confederation.

4th. That, by the adoption of the new constitution, all the States who were the original parties to these compacts agreed, by a fundamental law of the republic, to render the powers of Congress over the ceded territory plenary, and thereby removed the limitations contained in the deeds of cession, and left the whole policy, in relation to the territory of the United States, open to the sound discretion of Congress.

5th. That up to the present time the public lands have been considered, in the main, a common fund for the payment of the national debt.

6th. That this debt being extinguished, these lands remain the common property of all the States, to be disposed of for their common benefit. On these principles, I ground my support of the measure under consideration.

But, sir, I feel myself called on, by a due regard to the welfare of my constituents and of each of the new States, to render the proposed system still more perfect and acceptable, by attracting the serious attention of its friends to the several amendments which I have offered as additional sections to be incorporated in the bill.

If these amendments are adopted, I am fully impressed with the belief that the system will give general satisfaction, and may be continued to an indefinite period, without complaint or interruption. It is true, we have inserted an express provision, that Congress may hereafter legislate in respect to the public lands without regard to the present arrangement; but we ought not to leave any matter for future legislation which can be properly adjusted at this time. Such a course might, and most probably would, give rise to heart-burnings, jealousies, and discontents, unfavorable to the tranquillity of the Union.

I wish to provide for an equitable graduation of the public lands after they shall have been subject to private entry for a specified number of years, and to reduce the price at once to fifty cents per acre on small tracts not exceeding one quarter-section to a poor man, who shall actually inhabit and cultivate it for five successive years.

These provisions are contained in two sections of the printed amendments laid on the table, which were prepared with great care. I shall now, sir, proceed to examine them, and offer some of the leading considerations which induced me to offer them.

The first section of the amendments proposes to graduate the price of the public lands by a scale which shall reduce them to the minimum price of fifty cents per acre, at the end of twenty years, in the following manner:

1st. All lands subject to entry at private sale, and which shall remain unsold at the expiration of ten years, shall be offered at one dollar per acre.

2d. All lands which in like manner shall remain unsold at the expiration of fifteen years after the same shall have been subject to private entry, shall be offered at seventy-five cents per acre; and all lands remaining unsold at the expiration of twenty years shall be offered at the price of fifty cents per acre. No reduction below fifty cents is contemplated at any period. The second section of the amendment provides that every person who shall be the head of a family, or above the age of twenty-one years, and who shall actually inhabit and cultivate a tract of land not exceeding in quantity one hundred and sixty acres for the period of five consecutive years, shall be entitled to become the purchaser of such tract of land on paying for the same, at the proper land office, at the rate of fifty cents per acre.

This provision is so guarded that no one can obtain a patent, without making satisfactory proof to the Register of the Land Office that the tract of land has been actually inhabited and cultivated by the claimant for the whole period specified in the act.

In support of these modifications of the existing laws, I beg leave to recur again to the message of the President of the United States, which fully recognises, in the opinion of that high public functionary, the power of Congress in its discretion to dispose of the public lands "in such way as best to conduce to the quiet, harmony, and general interests of the American people."

He thus puts out of view altogether the deeds of cession and treaties by which they were acquired.

He considers them no longer binding on Congress since the payment of the national debt, for which they were pledged; and recommends that not a dollar shall hereafter be paid into the public treasury arising from the sales of these lands; that they be sold in limited parcels to actual settlers at a price barely sufficient to reimburse the United States the expense of the present system, and the amount paid for the extinguishment of Indian titles. He further proposes, at a day not distant, to cede the lands remaining unsold to the States within which they lie.

These propositions open the entire policy to the action of Congress on the ground of expediency, in its broadest sense.

Under this high authority, therefore, I proceed to inquire—Is it expedient to graduate the price of the public lands according to the scale which I have presented to the consideration of the Senate?

Is it expedient to encourage emigration to the new States, and grant facilities to those who remove with their families into these States, by granting to each head of a family the right of pre-emption in one quarter-section of land, at fifty cents per acre, after it shall have been cultivated successively, and without intermission, for five years?

I respond affirmatively to both these questions; and I appeal to the friends of this bill for distribution to consider them well; for if we are to legislate finally on this important subject, it must be clear to every gentleman that our laws should be so formed as to give satisfaction to the country—to the old as well as the new States.

I am sensible that this appeal would be made in vain to the opponents of the bill, many of whom are utterly opposed to any measure of relief to the new States, and rest their opposition on the ground that already our bounty and liberality have been too freely lavished on the people who take possession of the public lands.

I look for no aid from that quarter, unless it may be found in professions of good will, of which we are yet unable to see any practical evidence.

The success of these amendments must, therefore, depend on those honorable Senators who are the advocates of the system, and desire to perfect it by adopting any just and reasonable modifications.

I cannot concur in the report of the Committee on Manufactures, to which the subject was, by a singular transposition of the business of the Senate, referred at the last session of Congress, so far as that report controverts the expediency of graduating the price of the public lands on fair and equitable principles. From my own experience in these matters, I am firmly persuaded that it would increase rather than diminish the amount of money annually paid into the public treasury from that source of revenue. It will operate in favor of the scheme of distribution, by bringing into market, successfully, such lands as will not, after the lapse of years, command one dollar and twenty-five cents per acre, at a reduced price, which will enable the Government to dispose of them and realize their actual value, when there is no prospect that they can be sold at the present minimum standard.

Under our existing system, the lands are first carefully surveyed, and parcelled out into legal subdivisions. Maps are prepared, exhibiting accurately each range of townships divided into small tracts according to law. The President is authorized, after these surveys are completed, to issue his proclamation, offering the whole or any part of a district for sale at public auction, under the superintendence of officers appointed for the purpose. Well, sir, he issues his proclamation, and puts in market a range of ten or twenty townships, at his discretion, which is published in all the newspapers authorized to publish the laws of the United States, and continued for some six or eight months prior to the day fixed for the commencement of the sales, which are to be kept open two weeks. At these public sales, men of capital usually attend, who have explored the country, who know the good lands, have selected their favorite tracts, and go prepared to purchase them. The consequence is, much competition; and choice selections are not unfrequently bid up to twenty or twenty-five dollars per acre, and sometimes even higher prices are given.

A poor man has but little chance to supply himself at these sales; men with long purses compete with each other for the choice lands; and we may safely calculate that at least one-tenth part of the highest quality of land in a range of townships will be bid off at the first sale. At the close of the public sales, all the lands which have been offered, and remain unsold, are subject to entry at private sale by any one who will pay down for them one dollar and twenty-five cents per acre. Then, sir, a new scene opens. The speculator, who wishes to make profitable investments; the rich planter, who is anxious to provide suitable settlements for his sons; the poor man, who wants a comfortable home for his family; and the emigrant, arriving in the country from one of the old States, wishing to take up his permanent residence there,—all these classes of persons are actively employed in seeking out the best lands, and entering them at the proper land office, in large or small tracts, to suit the purposes of the respective purchasers.

Now, sir, I say, from an intimate knowledge of these sales, public and private, for nearly thirty years past—and I believe every Senator from a new State will accord with me in the declaration—that, after any given number of townships shall have been in market for ten years, it would be difficult, if not impossible, to find lands even of second or third rate quality open to entry at the minimum price of the Government.

The official documents on the files of the Senate go far to attest the accuracy of this opinion.

The Secretary of the Treasury, in answer to a call made on the head of that department in 1828, made a report to the Senate containing a statement of the quantity of land surveyed and unsold in each of the States and Territories where the public lands are situated.

This report classifies, under separate heads—1st. The lands which may be deemed good; 2d. Lands of second rate quality; 3d. Lands of third rate quality; 4th. The quantity unfit for cultivation; 5th. The number of years it has been in market, and the average value per acre of the vacant land in each State and Territory. As this document has a direct bearing on the subject now before the Senate, I beg leave to give the summary which it presents of the actual condition of the public lands at the date when it was prepared. I confine the statement to lands of good quality, and those which are deemed unfit for cultivation.

Mr. P. here read from the report, as follows:

DISTRICT AND STATE.	First rate.	Unfit for cultivation.
	Acres.	Acres.
Ohio, - - -	200,000	666,000
Indiana, - - -	1,470,000	2,430,000
Illinois, - - -	2,935,000	6,023,000
Missouri, - - -	159,000	5,700,000
Alabama, - - -	687,000	6,915,000
Mississippi, - - -	- -	8,294,000
Louisiana, - - -	95,000	740,000
Michigan, - - -		
Arkansas, - - -	53,000	2,500,000
Florida, - - -	15,000	1,005,000
Aggregate, - -	5,614,000	34,273,000

These statements are drawn from the most authentic sources—the returns of actual surveys, and the field notes of the deputy surveyors. It may not be precisely accurate, but it furnishes general views, which will aid us in arriving at proper conclusions in the adjustment of this question. The returns from Louisiana, I am inclined to think, overrates the quantity of first rate land in that State which was unsold at that time.

But, sir, the whole of the lands described in the preceding summary, it must be recollected, have been in market for five years, since the report was made; may it not, then, be reasonably supposed that the greater part of the first, and the second, rate qualities, have been sold within that period? And certainly we may fairly conclude, that no part, or, at any rate, a very small part, of the lands reported to be unfit for cultivation have been entered at the present minimum price; nor is it probable that they could be disposed of in a century to come, at that rate. Let us look at the prices, estimated by the land officers in the various districts, as the average value of the lands in market. Does not the picture which it presents to us strongly enforce the propriety of a judicious graduation of the minimum price, which may induce purchasers to enter the lands of inferior quality, and thereby not only hasten the sales, but facilitate the settlement and improvement of the country? I sincerely hope it may produce that desirable result. What, sir, are the estimates contained in the reports of the registers and receivers of public moneys to the Commissioner of the General Land Office? I will refer the Senate to the reports separately, and then compare the whole, so as to reach, as nearly as practicable, the general average of the estimated value of the public lands in all the States and Territories from which official information has been communicated on the subject.

In Ohio the average value of the lands in market, is estimated, per acre, at - - - - - $1 03½
In Indiana, the average is, - - - - 82
Illinois, - - - - - - - - 40
Missouri, - - - - - - - - 23
Alabama, - - - - - - - - 15
Mississippi, - - - - - - - 23

In Louisiana,	38
Arkansas Territory,	4
Florida Territory,	30

It will be seen by this enumeration, that in Ohio the average is higher than in the other States and Territories. There are more good lands in that State, and a smaller quantity unfit for cultivation, than are to be found elsewhere. The settlements have been, and continue to be, rapid and extensive. These causes contribute to raise the value of their lands to a point beyond that of other portions of the country.

But by a careful comparison of the returns from all the land districts, according to the most accurate calculations which I have been enabled to make, the general average value of the lands in market, in 1828, would not exceed thirty cents per acre. Much of the first and second rate qualities has, doubtless, been entered since that time, from which we may draw the inference, that a corresponding diminution in the estimate then made has taken place.

With these facts before us, I respectfully ask honorable Senators, who are in favor of the plan of distribution, what advantage can they hope to gain by keeping the inferior lands out of the market? After all our exertions to dispose of these lands at one dollar and twenty-five cents per acre have proved ineffectual for ten, fifteen, and twenty years, what prospect is there, that at the expiration of these periods we can find purchasers at that price? Certainly, none! But, if any, it is too remote to be relied on as a reason for rejecting the proposed graduation. It enters into the ordinary transactions of life; it is the practice of every man of business throughout the world, who has on hand an extensive supply of any article, first to dispose of the choice selections at the highest prices, and the remnants are sent to auction, and sold for whatever they will bring. A merchant must be mad, who would suffer his refuse goods to remain on hand and encumber his shelves, because they could not be sold for the marked prices. We must adopt this common sense practice in disposing of the public lands, unless we determine to hold them for all time to come, as a part of the eminent domain--a mere nominal estate, from which we cannot hope to derive one dollar of income.

Sir, I beg leave to fortify myself on this subject, by presenting to the Senate the very liberal views of the distinguished Senator from Massachusetts, [Mr. WEBSTER,] in 1828, when this great question of reducing and graduating the price of the public lands was under consideration in the Senate. I call the attention of the Senate to a few sentences from a short speech, delivered by that honorable Senator on the occasion, and to several amendments subsequently offered by him, which are, in substance, the same as those which I have had the honor to submit, and which are now before the Senate.

Mr. WEBSTER said: "The bill proposed that all lands, that shall have been in market two years, should be brought into market at one dollar the acre. There were somewhere about eighty millions of acres of land that had been in the market for many years. And this bill made no distinction between lands that had been in market twenty years, and those that have been offered for sale only two years. He thought the supply of land would be altogether too large. It was generally thought that even now the market was overstocked, and that for the last forty years there had been double the quantity on sale that was required." This he thought was proof enough that this bill proposed to go too largely into the matter. He thought there ought to be some limitation; and it occurred to him, that to fix it to all "the lands that had been offered for sale for ten years would be a more satisfactory provision. An amendment of that kind would exclude a great quantity of land from the operation of the bill, would still include sufficient, and suffer all the old land officers to wind up their accounts. He thought two years too short a period for the next reduction; but such a limitation would lessen his objections to it; and it would be far better than to have such a mass of land thrown at once into the market. It could not be doubted that land would come down to twenty-five cents much sooner than the population would require it. This, to Mr. W., was obvious that the graduation of the prices would bring it down to twenty-five cents vastly sooner than the people would want it. He was in favor of the graduation system; but he thought the effect of it would be, if it went into operation as detailed in this bill, to throw the lands into the hands of people who will hold it, as the United States do now, for want of purchasers. He was in favor of making the system apply on lands that had been ten years in the market; but as it was not now in order to move an amendment to that effect, he would defer it until it should be proper."

Mr. P. then read the amendments offered by Mr. WEBSTER, and proceeded to say: This, sir, is almost the precise system which I have proposed. May I not, then, confidently hope to receive the aid of the honorable gentleman, since it is apparent that I have simply revived his own propositions, made in 1828? I can testify, from practical experience, to the soundness of the views of the honorable Senator, and concur with him in his plan of graduation. I know of no instance where a district of lands have been in market ten years, in which any tracts remain to be disposed of, from which the Government can realize one dollar the acre. The first Choctaw purchase in Mississippi, comprising a valuable portion of cotton lands, has been surveyed, and offered for sale, only a few years past, far short of the period of ten years, and I may venture to say, that very few, if any, sections of land remain unsold, which could command one dollar and a quarter per acre. In one or two years more there will, in all probability, not be a single section which could command that price. What, sir, do we now ask? Is it unreasonable that lands which have remained in market ten years, should be reduced twenty-five cents per acre; that at the end of fifteen years, they should undergo a further reduction of twenty-five cents per acre; and at the end of twenty years, be reduced to fifty cents? This is all we ask, and it is not more than the honorable Senator from Massachusetts proposed to give us in 1828.

Has there been any change in the circumstances of the country since that period which will justify a change of opinion on this subject? Sir, I think not; and I cannot but hope for the countenance and vote of the honorable Senator, which, I am very confident, would ensure the adoption of my amendment.

I dismiss this part of the argument, leaving the proposition to graduate the price of the public lands to the fate which I am sure awaits it, unless it shall find advocates among the friends of this bill. Those honorable Senators who so anxiously desire to retain the revenue accruing from the sales of the public lands, because it may be wielded as an "argument" to reduce the rate of imposts, and reject the benefits accorded to the new States because they deem them offensive to the purity of their moral sensibility, cannot be brought to the support of my amendment.

They call on me to surrender two millions of dollars which are tendered to my constituents, and sacrifice them to escape the imputation of accepting a "bonus" for the vote which I may give in their favor. This terrible "*bonus*" is held up as a frightful spectre to alarm Senators who represent interested parties from the performance of their duty.

Now, sir, for one, I cannot bid so high for an "*argument*" against protecting duties which will fall pointless at the feet of those to whom it is addressed: nor can I be induced to sacrifice the best interests of those whom I represent, lest I might be suspected of the high crime of permitting their *welfare* to influence my judgment.

Mr. President, I will detain the Senate only a few moments longer, while I present concisely my views of the operation of the second amendment, which proposes to bring down the price of the public lands to the poor emigrant on the condition of actual settlement and cultivation for five successive years. It will be observed, that the limitations, both as to quantity and cultivation, are so clearly expressed, that none but the laboring class of emigrants can profit by the privilege granted.

The honorable Senator from Kentucky [Mr. Clay] has admonished us to be "*patient*," and promises at a more convenient season to listen to our complaints. I will tell the honorable Senator, that our *patience* has been already well-tried, and has thus far enabled us to bear all our privations and sufferings. We have quietly waited these thirty years for some measure of relief, and our anxious hopes have ended in disappointment.

When will the hour of our deliverance come? May we not pause for another quarter of a century; and, when we press on Congress again the necessity of attending to our claims for redress, be thrown back on our *patience* as the best friend of the afflicted?

But the honorable Senator asks, with peculiar emphasis, what do the new States want? Sir, as a Senator from one of those junior members of the confederacy, I have already disclosed to the Senate the condition of my State, its wants, and its expectations. We are yet in our infancy, and need the fostering hand of the Federal Government to hasten us on to maturity and manhood, and strengthen us in our march to prosperity and real independence.

I have said that we want the means necessary to construct important works of internal improvements, to establish colleges and seminaries of learning, to enlighten the minds of the rising generation. We want a great deal, perhaps more than the honorable Senator, with his acknowledged feelings of generosity, would be willing to give us.

I cannot, however, withhold from the honorable gentleman the homage of my thanks for the *liberal* provisions of this bill; for the increased per centage on the sales of the public lands which is accorded to us, besides the grant of half a million of acres of land, to be selected and located under the direction of our Legislature. But we do not think it unreasonable to ask, in addition to this "*bonus*," a liberal system for the future disposal of the lands belonging to the United States within our boundaries. Such a system shall not be prejudicial to the elder members of this great family of States, but one which shall hasten the sales of these lands, and enable every poor emigrant to become a freeholder the moment he arrives at his new home, without extorting from his hard earnings the last dollar which he may need for the immediate sustenance and support of a helpless family.

Is there any thing in this demand which can be regarded as exorbitant or unreasonable? To my humble conception, there is not. We know, and feel, that the Government of the United States, as the proprietors of the soil, possess the power to obstruct our growing prosperity, by imposing onerous conditions on those who purchase her unappropriated domains. But I will not indulge the thought, that a free Government like ours will so act towards the hardy, patriotic, and meritorious citizens who constitute its best support in peace, and its best defence in the hour of danger and difficulty, from whatever quarter it may come.

Can it be believed that those who hold the reins of power in their hands will treat us like the inexorable creditor, and demand "the pound of flesh nearest to our hearts, because it is written so in the bond?" No, sir; we look with becoming confidence to this Government for that disinterested kindness and clemency which an elder brother should extend to a minor, of whom he is the natural guardian and protector.

I seek to ameliorate the condition of the poor man; to open wide the door to the honest industrious cultivators of the soil; to render them independent, contented, and happy, by laws founded in wisdom, justice, and humanity. May I not hope in such a cause to find an eloquent and able advocate in the honorable Senator from Kentucky? [Mr. Clay.] I desire most earnestly to modify the bill so as to make it acceptable to all the new States, and thereby put an end to this disturbing controversy in respect to the public lands for many years to come.

I consider this amendment even more important than that in relation to the graduation of the price of the public lands. It holds out inducements to the settlement of the vast wilderness of the West; it will invite into that extensive frontier a dense population, the bone and muscle of the country, adequate to its defence on all sudden emergencies. Sir, it will do more: it will enable a citizen of Virginia, of Massachusetts, or of any State on the Atlantic sea-board, from the extreme North to the old States in the South, to husband his scanty means by a rigid economy, and by small accumulations to lay up a sum which will bear his expenses across the Alleghany mountains into the far West, where, by this beneficent provision, he will find a resting-place for his helpless wife and children—objects near and dear to his heart. He may take possession of a quarter-section of waste land, inhabit and cultivate it for five years, and, at the expiration of that period, upon due proof of the fact, obtain a grant from the Government at the moderate price of fifty cents per acre. Can it be imagined that this accommodation to the poor will meet the censure of the intelligent and hardy yeomanry of the old States? To me it appears otherwise. Let it be recollected that a distinguished Senator from Virginia, not now a member of this body, [Mr. Tazewell,] submitted a proposition to cede the whole of the public lands to the new States; it was much spoken of at that time, and, as far as public sentiment was developed, it met the approbation of a large proportion of the American people.

We do not now ask you to cede these lands to the States, but simply to allow the emigrant a privilege, unimportant to the Government, of becoming a freeholder on his entrance into the country which he may select for the place of his future residence.

The provision is recommended by every consideration of national policy; it is both just and equitable, and I trust it will meet the sanction of the Senate, and be incorporated in the bill. I have no hesitation in saying, and I might without hazard stake my reputation on the issue, that more land would be sold, and more money brought into the treasury, if the amendments are adopted, than under the bill as it now stands.

It is manifest, therefore, that this new arrangement of our land system will favor rather than interfere with the proposed distribution.

The honorable Senator from Ohio, [Mr. Ewing,] who seems to think that no inducements are to be held out to emigration from the old to the new States, because manufacturing labor would be diminished in the same ratio, has said that the man who labors for the whole community, and derives his support from his daily wages, is as independent as he who lives on his farm and maintains his family by the fruits of agricultural labor. Sir, the honorable gentleman, in giving utterance to this sentiment, has, in my judgment, totally mistaken the feelings and character of the American people. On this part of the subject, I entirely concur in the opinion expressed by the honorable Senator from Tennessee, [Mr. Grundy,] that the liberties of the country will be best secured by making, as far as possible, every man in the community a freeholder.

I believe this to be sound policy in all free Governments. He who cultivates the earth looks only to his God and the strength of his own arm for the means of sustenance and comfort as the rewards of his industry.

An enlightened statesman, who looked deeply into the human heart, and understood well the springs of human action, has denominated the farmers and planters "God's chosen people;" and, whether it be fact or fancy, it conveys to my mind a pleasing illustration of the moral influence in society of that branch of industry which removes the laborer from the temptations of vice, and cherishes the holy inspirations of religion and virtue. The man who follows the plough, and wields the axe to fell the sturdy oak of the forest, is taught, by education and the nature of his pursuits, to spurn the humiliation of dependence on the courtesy of his fellow man. He enjoys his frugal fare in his homely cottage; he seeks not the smiles, and fears not the frowns, of wealth or power, so long as he is obedient to the laws of his country. It is a maxim of the common law, which we inherit from our ancestors, that "every man's house is his castle." Yes, sir; under the protection of our free institutions, it is indeed his castle; no matter if it be a thatched roof, with open walls through which every wind of heaven may whistle, and into which all the elements may freely enter—it is nevertheless his castle, within which no one may dare to intrude without his free consent, or by the authority of some known process of law. There, around his peaceful fireside, he may worship his God according to the dictates of his own conscience, and drink deep of the blessings of divine Providence, amidst the smiles of his poor but contented family.

In favor of this class of my fellow-citizens, I wish now to legislate, by extending to them the protecting arm of the Government, as the pioneers who are destined to open the Western wilderness, and as the defenders of the rich legacy of freedom and independence bequeathed to us by our fathers.

Sir, let us, while we are at peace with all the nations of the earth, by a wise and liberal course of legislation, give harmony and tranquillity to every portion of our beloved country. Let us remove the last "apple of discord," and present to the world the sublime spectacle of a confederacy of States, comprising more than twelve millions of freemen happy under a Government of just laws, which confer equal rights, equal benefits, and protection, on all who live under its benign influence.

Mr. President: I will say, in conclusion, pass the bill on your table with the amendments which I have had the honor to submit; bring down your system of imposts by gradual reductions, to the standard of a revenue necessary to defray the current expenses of the Government; and instead of discord, "blood and carnage," civil strife and military despotism, we may hope to transmit the blessings of liberty, the constitution and union, to generations yet unborn.

Sir, I have done; I leave the issue to the sound and impartial judgment of this honorable body.

Mr. EWING, of Ohio, next rose. He said he was not aware that any gentleman had, in the progress of the present debate, or in that which took place on this subject at the last session of Congress, claimed for the new States, as a matter of right, the lands of the United States within their respective limits. That doctrine, it is true, (said Mr. E.) was at one time urged on the floor of Congress. It was said, that some principle—he knew not what—deep and recondite, and probably inexplicable; a principle inherent in, and of the essence of, State sovereignty—attached to the new States at the moment of their formation; and did at once and forever annul and destroy, in part, if not in whole, the very compact which gave them their being. But this notion has lived out its day, and expired in the due course of nature. I think (said Mr. E.) I am right in saying, that no one here has directly advanced or contended for such doctrine. It may be that I am mistaken, for my attention has not been closely fixed upon all that has been said in the course of the debate; but if it has been urged, it requires no argument of mine to refute it; that has been already conclusively done by the Senator from Tennessee, in whose views, on that branch of the argument, I entirely concur. We have, it is true, sir, heard much declamation about the rights of the new States, and justice to the new States, without any definition of the nature of those rights, or the exact measure of the justice which is claimed. It seems, however, that neither can be fully accorded, without yielding to all such modest demands as gentlemen may think proper to make; apparently terminating in nothing short of a cession of all the national domain to the States which they represent. But, sir, the question of right and justice to the new States is to be determined, not by the mere measure of their claims, but by reference to their several compacts with the Union; and, when any of us require right and justice, we must confine our demands within the purview of those instruments; we cannot bring our sister States into a court of conscience, and require of them there that which they never agreed to award us.

In deciding between this bill and the amendments proposed by the Committee on Public Lands, the power of Congress to distribute the proceeds of the sales of public lands among the several States necessarily comes in question. If we have not the power, by direct grant or strong implication, to make this distribution, there is, on my part, an end of the matter; if we have the power, by an undoubted grant from the constitution, the foundation of the argument of the Senator from Tennessee is swept away from under him, and the fabric which he has reared and balanced with such skill on this basis must fall to the ground.

I would ask the Senator to take up the deed of cession from Virginia to the United States—I name that particularly, because it cedes much the greater part of the land which we hold of the several States; and because, in this, you find substantially the provisions of them all. I would ask him to take up this deed, not to glance over it hastily, as he has done in his speech to-day, but carefully to weigh its provisions, and consider calmly and impartially their import, and come to such decision as he would do were he trying, in a judicial capacity, the right of parties under it; and, if he will do this, I can safely say for him, in advance, that he will hold it to be not only the right but the duty of Congress to make this distribution.

The situation of our country at the time of making and receiving this deed of cession, is important to the true comprehension of its import. We had just emerged from the war of the revolution; our independence had been achieved, and this immense territory conquered at the expense of the blood and treasure of the whole people. The waste and unappropriated lands were within the chartered limits of a few of the States, principally of Virginia; but it was urged by the other States, that justice required a cession for the common benefit; and this cession was accorded. At this time there was no such thing as revenue belonging to the confederacy; all that availed to pay the debts and support the current expenses of the General Government, was raised by contributions on the several States. This was the state of things at the time of the execution of this deed of cession; and I have now to ask the attention of the Senate, while I examine it somewhat closely, and endeavor to ascertain from the language of the instrument, as well as the situation of the parties, whether distribution of the proceeds was intended by the donor at the time of the grant. The deed, after reserving various parcels of land for specific objects, provides "that all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other purpose whatsoever."

Now, sir, this land, which is reserved as a common fund, is vested in the General Government; not to be retained; not to be held in perpetuity as a joint tenantcy, as the Senator from Illinois [Mr. Kane] seems to suppose; but, in trust, to be disposed of "faithfully and *bona fide*" for the purposes designated in the grant. The land, then, is to be disposed of, and the proceeds are to go to the common benefit of all the members of the confederacy. But here arises the important question—was it intended at the time, by the parties to this deed of cession, that the General Government should disburse as well as receive their proceeds, or that she should merely receive and distribute them among the several States? Advert, sir, to the situation of our Government at that time, which I have already noted, and look also at the wording of the latter clause. Virginia was a member of the confederacy at the time she made the grant. Her benefit would necessarily be included in the common benefit, if the expenditure of the proceeds of these lands were to be made by the General Government, for the support of the Government, or the payment of its debts, and were to be confined to those purposes. Why, then, insert the words "Virginia inclusive," which we find in the clause of this grant? If the construction given it by some gentlemen be correct, this were an absurdity. If my view of it be correct, we can readily understand why a cautious conveyancer would choose to insert it. The next clause fixes the proportion in which each of the parties interested shall be entitled; the language, "according to their usual respective proportions in the general charge and expenditure," is rational and intelligible, if it be true that distribution was intended; but, otherwise, it were wholly without meaning. If the money were to be paid out by the General Government only, in discharge of the common debts, and in support of the common Government, who would have thought of naming the proportion in which it should be enjoyed by the several States? And, sir, the rule for the construction of written instruments, with which we have been familiar in courts of law, namely, that an instrument shall be so constructed as to give efficiency to every part of it, is equally entitled to the attention of the legislator and the judge; it is founded in practical good sense, and is at once assented to by the most uninformed as well as the most enlightened mind. But to sustain this objection to the power of Congress over this property, to do with it as proposed, gentlemen must repudiate this principle, and suppose that the grantors of this deed, among the ablest men of any age, wrote nonsense in two striking particulars; and they must disregard, too, the most obvious coincidence of these clauses in the deed, with the situation of the parties making and accepting this grant. There cannot, I think, be any doubt remaining, that, at the date of this deed, distribution of the fund arising from these lands was in the contemplation of the parties. It remains to be shown whether that purpose has been changed, or the obligation removed, by any subsequent compact. Was it yielded up or abandoned in the formation of the constitution?

The second section of the fourth article of the constitution gives Congress "power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States." The power is in itself plenary and unlimited; and, as the Senator from Mississippi [Mr. Poindexter] has ably urged, leaves Congress wholly unrestricted in the manner of the disposition of the public lands, and the purposes to which they may apply their proceeds; from this, however, must be excepted those cases where Congress is limited or restrained by the terms of some compact.

The deeds of cession, to which I have already referred, furnish a case of restriction by compact prior to the constitution; but that compact, with all others entered into by the old confederation, is recognised and made binding on the United States by a provision in the constitution. The first section of the sixth article declares, "that all debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation." This instrument, therefore, which gives to Congress unlimited control over the national domain, binds them to fulfil all "engagements entered into" with regard to it. The engagement entered into by the acceptance of the deed of cession, to hold the lands in trust for the purposes designated, and to dispose of them, and apply the proceeds as therein directed, is recognised by this constitution, and the national faith is pledged anew for its observance.

It was said by the Senator from Alabama, [Mr. King,] that taxation for the support of Government, under the constitution, is levied on the people generally, and not raised from the States by contribution, as under the old confederation; and hence he argues, that the distribution contemplated by the deed of cession, though obligatory under the confederation, would be a violation of the constitution. Constitutional objections were easily got up, and made to bear upon any thing, no matter what, if we receive as the constitution every imputed intent in its framers, even in direct opposition to the very terms of the instrument itself. Concede but this, and each of us may fashion a constitution for himself; and every one would violate it, whose opinions or policy might be variant from ours.

But the gentleman is wrong as to his theory of taxation under the constitution. Taxes are not levied upon the people collectively, but are apportioned among them in States, according to the same principles as under the old confederation.

I will refer you to the third section of the first article of the constitution, which declares "that representation and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." From this clause, it is obvious that the distribution which was contemplated by this deed of cession, and which in its inception had relation to the articles of confederation, will operate as fully and effectually under the constitution. And it is worthy of remark, that no change whatever in the ratio of taxation (and consequently of distribution) has taken place. I therefore hold, that not only are we at liberty, consistently with constitutional obligations, to make the general distribution contemplated by this bill, but that we are bound to do so, of all the lands which we hold by these deeds of cession. As to the territory purchased of France and Spain, its situation is different; and the Senator from Mississippi, [Mr. Poindexter,] in whose views, in that particular, I entirely concur, has, as I conceive, placed it upon its true ground. Congress has the right to dispose of that in such manner as they see fit, unshackled by any restriction or limitation whatsoever, except their own sense of justice and expediency.

But, it may be asked, if my views be correct as to the lands held under the deeds of cession, as those lands were not pledged for the payment of the debts of the revolution, and as they were given for the purposes of distribution, why have not their proceeds been distributed? and has not the national faith been already violated in neglecting this distribution? To this I answer, the national debt was a sum owed or assumed by the General Government, for the payment of which each of the States was bound to contribute in precisely the same proportion as it was entitled to receive of the proceeds of these lands under the principle of distribution. The General Government, who is their trustee in this particular, held the proceeds of the public lands to which they were entitled in distribution, and at the same time was bound to pay a large sum annually, to which they were bound to contribute. The clearest principles of justice would warrant the General Government in retaining this fund, and applying it to the debt rather than to distribute it, and immediately reclaim it from the distributees for the purpose of so applying it. But the national debt is now paid; this fund is no longer needed for that purpose; nor can any man say that it is required for the purposes of revenue. Indeed, we have to look about us to see where we can cut off other streams which bring their golden tribute into our treasury, lest we be inundated and overwhelmed with its abundance. The necessities of the General Government do not require these proceeds. We are not placed in such a situation, that if it were paid over, we could rightfully reclaim it by direct taxation levied within the several States; other legal sources of revenue abundantly supply the wants of the Government. We are, therefore, now bound by the deed of cession, the acceptance of which was a compact, to execute the trust which it reposes in us, by direct distribution, according to its provisions.

Another view, arising out of this deed of cession, touches especially the amendments offered by the Committee on Public Lands, viz. a reduction of the price of those lands to one dollar per acre, and fifty cents to actual settlers. This is intended to cover all the lands, as well those which we hold by the deeds of cession, as by purchase from foreign powers. I have already shown you, sir, that, of one portion, and that at present the most important, Congress is a trustee for the benefit of all the States—bound to dispose of it for the common benefit, "*bona fide*, and for no other purpose whatsoever." We have received the fee of those lands, and agreed to dispose of them to the best advantage, "in good faith," for the benefit of all equally, not of a part; and justly apportion the proceeds arising from their disposition among the several States; and I need hardly say to this Senate, that we must not violate this plighted good faith; we must not betray the trust reposed in us, and give or squander away these lands for the benefit of any one or more States, or any class of individuals, without regard to the rights and interests of the whole. Let us look at the principles of the proposed amendment in this point of view, and test its propriety by this our engagement.

The first and most obvious light in which the public lands may be considered, is as a vendible article, the property of the United States, which we are to dispose of at a fair price, for the common benefit of those who have intrusted us with its management and care. We fixed a price; we settled upon terms of sale long since; and we are now advised by the Committee on [illegible]blic Lands to reduce that price generally, and make a discrimination in favor of actual settlers! And what reason is given for this? None on earth. Are the lands now too high? Do we sell them for more than they are intrinsically worth? No. On the contrary, they are now sold so low, that they are bought up by thousands and tens of thousands, for the purpose of speculation. A large amount, it is true, remains unsold; and so there would, reduce it as you might; for the amount on hand exceeds, and will exceed, for ages to come, the capacity of our population to occupy and improve it. Why, then, reduce the price? Would it be a disposition *bona fide* of the national domain, for the common benefit, to do so? Would it be making the most out of the common property for the common profit? I think it will be admitted on all hands, that, as a mere money transaction, it would not. But it is urged that indirect benefits to the Union would result from such reduction, far superior to the pecuniary loss which we should incur by lessening the proceeds of the sales. This, sir, I admit, is a fair subject of inquiry; and if, on a full view of all its effects, we find the good to overbalance the evil of the proposed measure, we ought, as statesmen, to adopt it. But what are the indirect benefits said to be derived from the reduction in price, or the free donation of the public lands? It is urged as a reason for this measure, that it will advance the settlement upon the public lands; that our new States will be sooner filled with inhabitants; and that we may obtain, from the abundant resources of a numerous and prosperous people, more substantial advantages to our country than from the sale of the national domain. And gentlemen who contend that we have not the constitutional power to sell and make distribution, gravely tell us that we have the power to give away the lands, in whole or in part, for the purpose of encouraging settlement and emigration.

Sir, with respect to the early and speedy settlement of our extensive domain, I, perhaps, differ from some of my friends; I certainly do dissent from an idea thrown out in argument by my honorable friend from Kentucky, [Mr. CLAY.] I do not wish, with him, that all our lands, from the Atlantic to the Pacific Ocean, were now teeming with population, and covered with cities and villages. I look upon our present situation as most peculiarly happy; we have a delightful climate, fertile soil, large navigable rivers and lakes, and all the mineral products of the earth in variety and abundance—not only enough for the wants of the present, but for the future generations which may succeed us for ages to come. And I am not anxious that this vast resource of future life and subsistence should be occupied to the full measure of its capacity in our age, or even in that which is next to succeed us: let it remain, as in the due course of things it will remain, an outlet and a resource for our children and our children's children, for generations to come. So far as regards the interests of the people of the United States, and the prospects of their posterity, we might as well wish to limit the extent of our lands to the wants of the present inhabitants, as to augment our population at once, so as to cover and occupy all our lands. If new and fertile lands be desirable in the present age, they will be equally so in succeeding ages; and I do not envy posterity their possession. They are open now to receive that portion of our population who seek them; and so desirable are they to the husbandman, that it requires no bounty from the Government to stimulate his enterprise. Let me not be misunderstood. I, sir, would not discourage emigration, nor would I hold out to it any other inducements than those which already exist. But I would give it all the facilities which arise from the internal improvement of the country—the construction of roads and canals, the opening and improving the navigation of our rivers. I would thus lessen to the emigrant the toil and expense of transporting his family and effects, and enable him to bring with him to his newly-chosen home many of the comforts and conveniences of life, which he must otherwise leave behind him. I would not pay him a bounty for removing; but if he wished to go, with the hope of bettering his situation, I would smooth the way before him. But all else I would have as it now is, and intrust it to the free choice of our citizens; let them balance advantages, and choose where they will abide.

But whence is this population to come with which gentlemen seem so urgent to fill up and occupy our new lands? They are not, surely, to be the product of special creation for that end and purpose merely. We, therefore, must draw them from Europe by our bounties, or, by the like bounties, entice them from one portion of the Union, and induce them to go and occupy another.

If, sir, we were a weak and timid people, exposed to danger or invasion from without, and unable to dwell in the presence of the other nations of the earth, there might be some reason for holding out bounties to the people of Europe to come and unite with us and strengthen our hands. But we have passed the season of danger from foreign aggression; we are strong enough to defend and protect ourselves; and although I object not to the influx of foreigners, who, animated by a spirit of enterprise or a love of liberty, adventure for our shores; and although, when they thus come among us, I would give them the hand of fellowship, and welcome them as brothers; yet, I would hold out no special inducements, no reward except that of freedom, a country, and a home; nothing to flatter their pride, or tempt their avarice; for emigration from that country might be pushed too far. I would not wish that all Europe, loosened from its foundation, should precipitate itself on our coast. Nor can I perceive the benefit which would accrue to us as a nation, by extraordinary efforts to transfer the population from the old to the new States. I have looked in vain for reasons to induce it, and can find none. There may be times and circumstances under which this would be wise and politic; but those times have gone by, and the circumstances do not now exist. If our frontier were feeble and incapable of self-defence, that might furnish a reason; but how is it? Sir, when the first settlements were commenced in Kentucky and Ohio, such was indeed the state of things. Here and there were planted a few scattered inhabitants in the presence of numerous hostile nations, counting hundreds to one, and without communications by which aid could be furnished from the older and more populous sections of our country. But they, feeble as they were, made good their footing, and gradually possessed themselves of the broad fields of the enemy. Now, the population of the West is moving forward in a broad and equal mass; nothing to divide, nothing to break the strength and force of the current; if there be danger on the frontier, its inhabitants have but to retire backward a day's journey, and they are in the midst of a populous, secure, and plentiful country. No impenetrable forests or rugged mountains form a barrier between them and succor. But how would our frontier be strengthened by a gift of all these lands? That frontier might, perhaps, be pushed more and more remote from point to point; but we shall still have a frontier, until our emigration westward be stayed at last on the shores of the Pacific.

If it were deemed important, for the purpose of securing our territory from foreign intrusion, or for any other sufficient cause, to plant a colony at once on the coast of the Pacific, or on the banks of the Oregon, I would agree that there was a fair occasion for the encouragement of enterprise, by holding out bounties for emigration; and, sir, the settlement of that coast and of those shores is not at this day either so difficult or dangerous, as was the settlement of the banks of the Ohio when that was achieved. In Kentucky, grants of land were given to the adventurous emigrant, to induce him to encounter the danger and privations incident to the country. In Ohio, little or nothing was given; but the country was peopled and defended, and it has risen rapidly enough in population, improvement, and wealth.

But the Senator from Kentucky [Mr. BIBB] has discovered a principle on which we may justify a donation of all the lands in the valley of the Mississippi to whomsoever will receive and occupy them; and he proves it to be a disposition of them to the common benefit of all the States. His argument is this: The navigation of the Mississippi is important to us as a nation; it is, therefore, our interest as a nation to defend it; and, by holding out bounties to individuals to settle upon its waters, we shall strengthen ourselves in that quarter, and be the better able to make good that defence. Now, sir, I like the general doctrine of the Senator exceedingly well. I am in favor of appropriating the public funds, whether in land or money, to secure us from assaults from without, or to enable us to repel them. On this principle, I think it important to improve, and as soon as practicable to perfect, our various avenues of intercommunication between different sections of the Union. In short, by the construction of canals and railroads, diverging from the most important points on our coast into the populous interior, to enable us at any time, in case of a sudden descent of a foreign enemy on our shores, at once to meet him in force, and punish his aggression. If the honorable Senator will view the present bill in this point of light, I have little doubt he will give us his vote upon its passage. It will certainly remove all his constitutional scruples on the subject: for, if the lands may be constitutionally given away, in order to strengthen New Orleans, by increasing the population on the Wabash and Wisconson, surely it may be sold, and the proceeds applied to internal improvements, which will aid the communications between different portions of the country; facilitate the transportation of men and munitions of war; and hasten the transmission of intelligence, whether of civil commotion or of military aggression.

But the honorable Senator has singled out New Orleans as a point peculiarly liable to attack and difficult to defend—a point in which we are weak, and therefore ought to be strengthened. Now is this the fact? Sir, there is not upon our whole maritime frontier any single point so secure from invasion as New Orleans is at this day; and there is no point at which half a million of armed men, with the necessary munitions of war, could be concentrated more easily and more speedily. Because that point was once exposed, and because the means of defence were small, and difficult to be brought together, it does not follow that they are so now. Why, sir, Britain was once invaded, and still more, she was conquered by the Roman legions; but what would we say of the statesman who now, in the British parliament, should express fears of another attack, and exhort the nation to summon all their energy, or concentrate all their forces, to guard the point at which Julius Cæsar landed? Yet he would have reason on his side about as strong as has the honorable Senator, who, here on this floor, invites us to give away lands, and plant colonies in our interior, with a special view to the defence of New Orleans. Why, sir, since New Orleans was, for the first and last time, attacked by a foreign foe, what changes have taken place in the interior which supports it? The population of the valley of the Mississippi has risen from one to three millions—a force equal to all the United States during the revolutionary war. The sphere of active assistance is extended five-fold. Troops and munitions of war could now be transported from Pittsburg in less time than they could have been in 1814 from Natchez to New Orleans. Nay, sir, by means of the New York and Ohio canals, and the use of steam in the navigation of our rivers, troops could now be transported from New York to New Orleans in one-fourth of the time that they could have been in 1814, from either point to Pittsburg. Yet gentlemen have constitutional scruples about appropriating the public funds, or the proceeds of the public lands, to the internal improvement of our country, which would render it impregnable in all its extent; but they will give it away by millions to settlers, for the purpose of strengthening a single point, which no one believes to be in danger.

But we are to invite emigration to the new and fresh lands on the upper Mississippi, that we may thereby accumulate a force sufficient to defend New Orleans; and where are those emigrants to come from, whom we thus buy with our bounties? Surely, from the less fertile lands of the East and South; from the tide water districts of Maryland, Virginia, and North and South Carolina. They, I presume, have their thousands to spare, and will still be strong in case of a military incursion, while New Orleans, backed by more than five hundred thousand men capable of bearing arms, must have the treasures of the nation lavished, and the population of the East drained, to protect her against an apprehended attack, which, indeed, nobody apprehends. I dwell on this the more particularly, that I may show you, sir, what kind of quiddity this constitutional scruple is. Can any Senator be really governed in action by things of this substance, so strongly dwelt on in debate?

I will now, as briefly as practicable, examine the effect of this proposed bounty to emigration on the several sections of the Union: as to its necessity for national defence, I shall leave that out of the question, believing the Union to be strong enough at all points, and especially at that point, for the safety of which honorable gentlemen express so much anxiety.

Once, on a former occasion, in reviewing the operation of some measures of national policy, I adverted to the effect of emigration on the older portions of the Southern States. The same views are applicable here. The opening of new and fertile lands in climates similar to their own, invites their planters to abandon their old and partially exhausted fields, and seek for rich virgin soil in the further West. Even now, much of these lands, which might, by careful culture, be kept up and preserved, are suffered to depreciate to barrenness, while its cultivators flock to the new and cheap lands, which produce abundantly by the slightest care of the husbandman.

But, sir, of this I do not complain. Our system is in this respect settled, and has been for a long time past, and I wish it to remain steady; but the inducements to emigration are, in that point of view, strong enough, and I would add to it no new stimulus. Let it not be forgotten that the pressure which bears upon the staple articles of the South arises from over production, and cheaper production upon the fresh lands. In this state of things, it would be neither wise nor just in Congress to render the cultivation of their old fields impracticable, and their lands wholly valueless, by bringing down to nothing the price of the Western lands, which at present so drains their population, and sinks so low the price of their products.

In another point of view, this proposed reduction would operate most seriously on the Southern portion of the Union. It is a bounty to emigration. Already, sir, does that section of our country, so far from advancing in population in equal steps with their sisters of the confederacy, suffer diminution in numbers of its free inhabitants, while the slaves go on increasing in the natural ratio. Why is this, and whither does it tend? The reason has been anticipated. Emigration takes off the sons and daughters of the freeman, while the progeny of the slave remains, in some manner, fixed to the soil. Its future consequences, the result to which it is already hastening, would be hurried to a catastrophe by this proposed bounty to emigration.

If we turn our eyes to the East, the reasons against it, deducible from the state of society there, are equally striking. There, less than elsewhere in our country, they rely for their wealth on the cultivation of the soil. Generally, their lands are poor and unproductive; the people laborious, enterprising, and ingenious. There it is that the manufactures, which it has been our policy to build up and foster, have taken root and flourished. The hands which can be spared from the cultivation of the soil are employed in the factory. So fixed have been the principles, and so cherished the policy of protection with a majority of the people of the United States, that we are accused of having pushed it beyond the powers given us by the constitution. These are the assertions of those who oppose, and who wish to prostrate the policy; but, true it is, that we have watched over them with care and anxiety, conscious that they are the germ of our future greatness and power. And now let me appeal to gentlemen who are the friends of this policy. Would they deem it just and wise, at the instant that a share of the protection under which they have flourished is about to be withdrawn, to prostrate them to the dust by a direct reward—a bounty held out to their operatives to leave their employments, and settle on the Western lands? It would be a deathblow to the prosperity of the East. Would it benefit the Western States?

It is presumed that it would cause an influx of emigrants from the older States, and thereby fill the country with population, and cover it with improvements. I propose to look at the supposed benefit with some care; for I would not in any thing overlook the interest of my own State, or those so nearly adjacent to her, and connected with her in interest and feeling. Nor am I to be led away in the support of every specious project which may be supposed to tend to their aggrandizement, but which my reason tells me will operate injuriously upon the people.

Something of pride is felt in the idea that a State is numerous in its inhabitants, and great in power; but when we speak of physical force, the power to attack an enemy, or repel invasion, it is the power of the Union, not of a State, that is to be regarded, for it is that which stands us in stead; since, whatever may be our views at home of the respective rights of the State and the General Governments, in our relations with foreign nations we are but one people, and our power as against them is one. If political power be the object which fires the ambition or flatters the pride of our statesmen, how, when analyzed, does the power of the great States compare with that of the small? In the House of Representatives, and in the choice of President and Vice President, if that choice be made by the electoral colleges, man for man, the citizens of the great and small States are equal; but in this branch of the National Legislature, and in this repository of a responsible portion of executive power, the small States, as States, are in all things equal to the largest. Delaware, with a population of less than eighty thousand, is equal to New York with her two millions; and Missouri, with a little more than one hundred thousand, is represented on this floor alike with Ohio, which has tenfold her numbers. So, too, in the election of President of the United States, when that election devolves on the House of Representatives; or of Vice President, when it devolves on the Senate; the States are equal in power, however unequal in population. Numbers, therefore, are not a desideratum, so far as it relates to political power, but the reverse; the citizen of Missouri has, from the very circumstance of its smaller population, a much larger share of political power than the citizen of Ohio.

Then as to this invisible, intangible being, called a State: our new States are not to be especially benefited by transferring to them the population from the old States.

It is next important to inquire whether the present inhabitants of the new States will derive any important benefits from the transfer of population, which this amendment is intended to produce.

My own opinion has long been fixed in this; that, for all the purposes of social intercourse and neighborly quiet, the settlement in our fertile districts is rapid enough. When individuals emigrate from their homes, from the neighborhood and society in which they have been reared and nurtured, something of the moral and social bonds, which are among the safeguards of virtue and order, are severed. If a great number of individuals, unknown to each other, and of dissimilar habits and feeling, be then thrown suddenly together, its tendency is to form, for a time, a violent, disorderly, and immoral mass, until the elements have time to separate, the parts which have affinities to combine and unite with each other, and thus gradually give union and coherence to the whole. But when our settlements form themselves gradually, the evils of the change are less sensibly felt; the few individuals who are thrown together, impelled by mutual wants, unite at once in friendship and affection, and lay the foundation of a society whose basis is mutual good will; and each new emigrant, as he comes, falls in and forms a part of that society. For the peace and morals of the new emigrants, it is better that they should not be too rapidly and suddenly transferred to the Western lands. It is better, too, for the comforts of the emigrants, that this transfer be not too rapid; the few that go in advance depend on the other advanced settlements, for a time, for the comforts, and even the necessaries of life; while they, in their turn, having become fixed, and with improvements about them, contribute their aid to sustain the still more recent adventurer who settles near, or pushes by into the wilds beyond them. It will be at once perceived that there are, thus, limits beyond which emigration cannot extend without discomfort and privation.

But sir, the agricultural States in the West would suffer more heavily in another respect from the new and increased impulse proposed to be given to emigration by a reduction of the price of public lands, if we suppose it to have the proposed effect of increasing emigration. The markets for all the vendible products of the West are on or near the sea-coast, extending from New Orleans to Boston; the whole extent of that country, whether, as in the South, it furnish sugar, cotton, or rice plantations, or, as in the North, the various manufactories with which they abound, their laborers consume our products and furnish our principal if not our only market. But if, by any means, we induce those laborers to migrate and settle on our fertile lands, do we not at once, by this very act, take away the market for our produce? Every family, which, by your bounties of land, you entice from the East to the West, takes one from the number of those who buy our staples, and adds one to the number of those who compete with us in their production. Thus, all that our statesmen have done, for years past, in building up a market for our farmers, would be at once swept away and destroyed by a single act of improvident legislation.

In the present state of our country, the inducements to agricultural pursuits are strong—too strong, perhaps, for the most perfect prosperity of an entire community, especially as they are obvious and direct, and its disadvantages and embarrassments are the indirect consequence of the very inducements themselves. So many engage in the occupation of farming, that the other employments essential in civilized communities are pursued by too few to answer the purposes necessary for the common good; all the handicraft arts, the coarser and heavier manufactures, essential in every civilized community, however simple and rustic their habits may be, are plied by too small a number of hands in our more recent settlements. Nothing can be more strongly illustrative of this than the statistical information given us by the Senator from Alabama, [Mr. King.] He has shown us that in Ohio, out of a population of more than nine hundred thousand souls, there were thirty-seven thousand persons paying taxes who were not freeholders. Hence he infers that there were that number of squatters on the public lands, poor and pennyless, and without security for their homes. Nothing can be more wild and erroneous than this estimate. Why, sir, we are not savages there, nor is food alone all that is required to sustain us. We live in houses, and employ the mason and the carpenter to rear them. We wear hats, coats, and shoes, and we require the labor of the mechanic to provide them. But I will not enumerate; let any man reflect for a moment upon the necessities of the most simple community; and he will be surprised at the insufficiency of the number thus excepted from agricultural pursuits to supply their most pressing wants. I know it may be, in some measure, explained by the fact, that many of our artisans have their small freeholds, and mingle agricultural labor with their other employments. Still they must have their journeymen; and, if they are farmers, their laborers; so that, on the whole, the smallness of the number is almost incredible. If, however, it be accurate, (and from its official character it is entitled to credit,) it should induce us to beware that we make not the evil worse. Certain it is, that no direct or indirect bounties from the Government are necessary to induce our people to become cultivators of the soil. Supply them with a market for their produce, and my word for it, their productions will keep pace with every wish, however unbounded. No, sir, it is not necessary to legislate to make men become farmers; but to give those who are farmers the means of acquiring, by their industry, comfort and independence.

Before proceeding to note what I consider the last and greatest evil of the proposed reduction, I wish to offer a few words explanatory of my views of the extent to which these amendments go; how far they, in fact, reduce the price of lands; and in what manner their particular mode of reduction operates.

The amendments proposed by the Committee on Public Lands reduce the price of all lands at once to one dollar per acre, and all lands, when purchased by actual settlers, to fifty cents. The effect of this is at once a reduction of all the land to fifty cents per acre. For land, abundant as it is, the quantity held by the United States being inexhaustible for ages to come, can never, in our border countries, be purchased under this law for any purpose but immediate occupation. No man, who wishes to provide for his future family, will purchase lands at one dollar, when that lying all around him is sold to the actual occupant at half that price. The value, the current value of the article in market, to those who wish to use and occupy, will be the value at which public opinion will rate it, and no man who has money to lay out will go beyond that value; so that it would be equivalent to a general reduction to fifty cents per acre.

The consequence of this would be to take off universally from all real estate in the Western country to a like amount per acre, whether it belonged to the States, or to individuals; and whether it were improved or unimproved, it would all go down. As to the unimproved lands lying in the States of Ohio and Indiana, for instance, the lands granted by Congress to Ohio to aid in the construction of her great works of internal navigation, if Congress adopt this amendment, and it become a law, every acre is reduced at once from one dollar and twenty-five cents to fifty cents in value. Say that in Ohio we have five hundred thousand acres remaining unsold, it would in that single item sacrifice directly of this property of the State three hundred and seventy-five thousand dollars. Can I, as one of the Senators of Ohio, representing her in this body, commissioned to guard her rights, and watch over her interests, consent to this? No, sir, surely not, unless I could find in it some latent virtue which would compensate her or her citizens for this sacrifice. But, so far from this, it appears to me as a measure fraught with unmixed, unqualified mischief. Of the lands of the State of Ohio there are, I believe, about twenty-two millions of acres, the property of individuals; the value of this land is made up of the original cost, or rather the market price of wild lands of like quality, and the improvements put upon it by the labor of the husbandman. Now, sir, if you reduce the price of the immense amount of wild lands owned by the United States, you sink, with it, the value, of all the lands in a state of nature, in that section of the Union in like proportion. The unimproved value, therefore, of all the lands in Ohio, and all the States in which large quantities of public lands are situated, would sink from one dollar and twenty-five cents to fifty cents per acre, if this amendment should be carried and pass into a law; and the whole loss to the State of Ohio and her citizens, in the depreciation of real estate, would not be less than seventeen millions of dollars. Such, too, would be the case, in like proportion, in all the new States; and I must be permitted to say that, however soundly gentlemen may judge of the wishes and interests of their constituents, I can anticipate nothing but misfortune and loss to them all as the result of a such a measure.

It is said that land, if intended merely for cultivation, is equally useful to the farmer, whether its nominal value be great or small. This, sir, might, in some conditions of society, be the case; in ours it is not. It might be so, if all that was sought or desired by our people were subsistence merely—unconnected wholly with the idea of property. But it is important to the prosperity and improvement of a country that a farmer should hold his farm in estimation, that he should value it, be proud of it, and reckon his wealth by its worth. Satisfy him that it is of little or no intrinsic value; that other land, as good, may be had for nothing; his motive to labor on it, to improve and ornament it, is weakened, and the home of the husbandman becomes less desirable and less happy, as it is less cherished.

Men who have already exhausted their means and expended their labor in the purchase of lands from the United States, and in the improvement of those lands, have a right to claim that we shall not disturb or unsettle the price of the property which we have sold to them. Those who purchased yesterday at one dollar and twenty-five cents per acre, have they not cause to complain if to-morrow, before they enter on their lands, or cut the first stick for the construction of their cabins, we put down the price to all other purchasers to fifty cents; and thus, by a mere act of wantonness, deprive them of more than half of the value of their purchase? I cannot forbear adverting to a very sensible paragraph from an Indiana paper, which has accidentally fallen into my hands. It shows the opinion which practical men on the spot entertain on this subject. I will take the liberty of reading it to the Senate.

"PUBLIC LANDS.—*A Question.*—Should the price of the public lands be reduced? Before a farmer should answer this question, he should be prepared to answer another one, in close connexion with it. It is this: Should the price of improved lands—the price of farms—be reduced? Now it is evident, in common sense, and from past experience, that if the unimproved lands be reduced in price, the improved will fall in price also. We well recollect the time and the effect of the reduction in the price of lands several years ago, for we were in Salem at the time. The effect was truly oppressive. All the money that could be collected in masses sufficient was used in the purchase of new lands; many were anxious to sell improved farms, that they might buy anew; and hundreds of farmers who had purchased improved lands, and had made large payments on them, were compelled to make unreserved sacrifice, in order to extricate themselves from the difficulty into which the depreciation in the value of lands had cast them. It has been nine or ten years since, and improved farms in the neighborhood of Salem have not yet risen to their former price. We would say, that before the price should be reduced to accommodate any class of men, it would be better for all, rich and poor, that the Government give to each poor and actual settler a half-quarter or a quarter-section.

"A farmer may want a neighboring quarter to his reduced in price, so that he can purchase it; but would not a reduction of the value of the unimproved produce an equal if not a greater reduction in the price of his improved farm? This is the question."

The amendment offered by the Senator from Mississippi, it appears to me, involves all the unhappy consequences with those which I have already considered. It proposes that all the lands which have been in market ten years be reduced to one dollar per acre; those that have been in market fifteen years, to seventy-five cents; and twenty years, to fifty cents per acre, with a privilege to every actual settler to enter upon, and purchase, any quantity not exceeding one hundred and sixty acres, at fifty cents per acre, provided he remain upon it and cultivate it for five consecutive years.

The graduation principle, as proposed, operates at once to reduce nearly forty millions of acres of land to one dollar, or below that sum, and at least fifteen millions of this to fifty cents per acre. Nor is this of the land which is now least valuable, and less in demand, than that which is just offered for sale. The land office in Zanesville is among the oldest in the United States. It has existed more than thirty years, and, during the last year, there was more land sold there, in proportion to the amount remaining, than in any new district in the United States. Why, then, should this land be reduced? It is worth what is asked for it, and brings the price readily; and it has become thus valuable, in consequence of the improvements of the country. To those improvements the United States, as a wise and liberal landholder, contributed her proportion, and in these enhanced sales is now reaping the benefit of her appropriations. The land, then, which would be thus reduced to a mere nominal sum in price, would be great in quantity, and for the most part equal in value to the best new land. Its reduction in price, on the principle proposed, would therefore have the full effect of universal reduction upon all the land of the United States, and, connected with the other provisions offered as an amendment by the Senator from Mississippi, could not fail, in fact, to amount to universal reduction to the last extent.

Suppose the new lands to be open to entry to actual settlers at fifty cents per acre, and then, by his scale of reduction, all the lands come down to fifty cents per acre to all purchasers, after they shall have been twenty years in market; would any land be entered at a higher rate? I will not detain the Senate to trace, in detail, the combined operation of these provisions; it must of itself be obvious that its effect would be to keep out of market for the twenty years all the lands not taken up by actual settlers; so that all would fall to the lowest scale of the graduated minimum—fifty cents per acre. The general operation of this reduction I have traced in my remarks on the amendment offered by the Committee on Public Lands. The effect of the preference to actual settlers, proposed in both amendments, I will now separately consider; and let me say, sir, in advance, that it seems to me fraught with almost incalculable evil.

It assumes the position (whether true or false I do not now stop to inquire) that the lands, generally, would retain their higher price—say one dollar and twenty-five cents, or one dollar per acre—according as we adopt one or the other of the proposed projects. Admit it to be so, and the price of the other lands remains as it now is, at one dollar and twenty-five cents; and what is its effect?

On the other portions of the Union it operates directly as a bounty for emigration; not incidental merely, but direct. The General Government says, by this law, to the inhabitants of the older States of the South or the East: Leave your native place—the land of your birth and the home of your fathers—go westward, and settle in the new States, and you shall receive in land a bounty worth one hundred and twenty dollars per man. To the hands employed in the forging of iron, and blowing and cutting of glass in Pennsylvania, and in the various manufactories of New Jersey and New England, you would present a like powerful appeal. To each of them, every operative who would abandon his employment and go westward, the bounty is tendered of one hundred and twenty dollars. Aye, and worse than all this is its effect on those who do emigrate. Its inevitable consequence is to break up the bonds of family and kindred, and set their members, separately and unseasonably, afloat in the general mass of society. If the aged father and the widowed mother should emigrate with their sons, and settle on the new lands in the boundless West, from the very nature of their situation requiring the support and relying upon the exertions of those sons to aid in the improvements of the farm, and bringing comforts to their home, you address them also, if this amendment be converted into law, and enlist their cupidity to engage in conflict with their affections. My good youths, would you say to them, leave the house of your parents, withdraw from their succor, and let them shift for themselves; here is a reward of one hundred and twenty dollars in land, which the Government offers to you, and each of you, if you will abandon the mother who bore, and the father who reared you. But mark ye well; go and settle on these lands; make no false pretences in this matter; you must do all this in fact and in faith, and carry it out to the uttermost; for if your hearts relent, if before five years you return to your parents, you forfeit the gift; and beware, too, that you do not remove your parents from their hut to yours, and attempt to watch over them and administer to their comforts there; for if you do, their lands are forfeited by such removal. Such, sir, is the effect of the attempt here made, and probably of any which can be devised, to give to the actual settler an advantage over the ordinary purchaser of public lands. It were a measure admirably devised to sever the closest and most sacred bonds of society, and give to avarice the ascendancy over affection. Of all the mischiefs proposed in all these amendments, this is the worst in its consequences, both political and moral.

Of all the things which pertain to man as a social being, and which bear the appellation of property, those which should least be tampered with by legislation are the landed property and the current coin; and I know not which brings the more weighty calamity on a people, the debasement of the circulating medium, or a general prostration of the value of real estate. So far as legislation can affect it, both should be held with a steady hand, leaving it to the progress of events to increase the quantity of the one, and enhance the value of the other. With respect to real estate, it is at this time of a safe and steady value, gradually increasing in price, and rising in the estimation of men; that estimation ought not to be destroyed or diminished by any act of ours. The value which the husbandman places on his soil forms a strong and enduring bond which binds him to his country. I have already shown you the tendency of these propositions to shake its value and destroy its influence.

But the care of the West—the prosperity of the West—the progress of the West in population and improvements, are constantly, in the mouths of gentlemen; and these amendments say, they propose the most certain means of effecting these objects.

Sir, I can yield to no one, from whatever region he may come, in attachment to that young and rising portion of our Union. I may err in my judgment of the measures which will be most effectual in advancing its prosperity, but no one can desire it more ardently than I do, or more assiduously labor in all things, according to his best judgment, to promote it. But, with its present rising prospects, the constant and rapid development of its resources, there is little that the most devoted patriot could wish in its behalf, which the progress of events does not consummate, almost in anticipation. I look upon our West as I might look on the vigorous and athletic youth, with the bloom of health on his cheeks, his muscular limbs and expanding frame just ripening into manhood; though I would watch his progress with pleasing solicitude, administer freely to all his wants, and anticipate with delight the day that should make him in maturity all that he were now in promise; yet I would beware of administering to him the nostrums of each empiric who might propose to freshen his bloom, enlarge his frame, and hasten on his maturity.

Tuesday, January 22.

THE FORCE BILL.

Mr. **WILKINS** moved to postpone the previous orders, for the purpose of taking up the bill further to provide for the collection of the duties on imports. He stated that it was his object to fix on a future day when this bill should be taken up for discussion.

Mr. **POINDEXTER** asked if it was in order to move the postponement. As the bill had not yet been read a second time, he presumed that it was not among the orders of the day.

The **CHAIR** considered the motion as in order.

Mr. **CLAY** expressed a hope that all objection would be withdrawn, the object of the chairman of the committee being merely to appoint a day for taking up the subject.

The bill was then read a second time.

Mr. **WILKINS** said he was desirous to fix on some future day for the consideration of this bill, and to make it the special order for that day. The committee had desired him to name Thursday next. He would, therefore, move to postpone the further consideration of the bill till Thursday next, and to make it the special order for that day.

Mr. **BIBB** thought that the day named was too early, as it would not allow gentlemen time for the necessary examination of the provisions of this important bill. He would, therefore, move to postpone the bill to Thursday week.

Mr. **GRUNDY** stated that the chairman of the Committee on the Judiciary had been instructed to move Thursday next, not because it was supposed that there would be any decision as to the bill on that day, or even within a few days of that day, but in order that an early progress should be made in this bill, which he considered to be the most important measure before Congress, or which was likely to come before that body at this session. There was one consideration which ought to have great weight with the Senate. He did not intend, by a reference to it, to go into any remarks on the state of the country until the merits of the bill should be fairly before the Senate. But the 1st day of February was near; and, as that was the time fixed by South Carolina for her ordinance to go into operation, it was impossible to know what events were to follow that day. It was incumbent on the Senate to take up the bill, in order that, after its passage, if it should pass, there might be time to send it to the other House. He thought no person would have any cause to complain if Thursday were fixed on. The committee would occupy some time in explaining the reasons which induced them to report the bill, and he thought that every gentleman would have sufficient time for reflection and examination.

Mr. **MANGUM** said, as one of the Judiciary Committee, he had been opposed to so early a day. He concurred, with the gentleman from Tennessee, that this was vastly the most important question which could be brought forward for discussion at this session. So important was it, that, in his opinion, it would shake the ancient character of our institutions to their very foundation. He concurred in the opinion that it ought to be taken up and acted on with the most profound deliberation; for it depended on the result of this question whether there would not be a revolution which would change the whole character of our institutions. In moving to postpone the consideration of the bill to a later day, as he should do before he resumed his seat, he would do it without reference to the 1st of February. It was impossible that there could be any definitive action on the bill by that time. He deprecated references, the only effect of which would be to keep up an excitement which it would be wiser to allay. He did not refer to the 1st of February because he believed that there existed any ground of apprehension. When he proposed a more distant day, it was solely with reference to the convenience of this branch of the Government, and of the other House, in order that they might have sufficient time for deliberation upon a subject which touched the very heart's core of our institutions. No one could look at this bill without discovering that it revived all the distinguishing characteristics of the old parties, besides taking in its sweep much, in his opinion, that was odious, and wholly unknown to either of the old parties. It carried out to their full extent the principles of one of those parties with alarming and startling *addenda,* and came in conflict against all the principles of the other. It touched the fundamental character of our institutions, and, on the discussion and decision which would ensue, he conscientiously believed—and he would be constrained so to declare, were they the last words he should ever utter—would materially depend the continuance of our admirable institutions in that wholesome but restricted vigor that would perpetuate a well-regulated liberty. He concluded with moving to postpone the bill till Monday week.

Mr. GRUNDY said he hoped the Senate would not concur in this motion. The gentleman on his right, [Mr. MANGUM,] who was a member of the Judiciary Committee, had said that it would be at once discovered, on reading the bill, that we were about to change the whole character of our institutions. That was the opinion of this gentleman; and he had no doubt that by Thursday next he would be furnished with all the arguments he could adduce to sustain that opinion. But there were others who held wholly different opinions, and who believed that there was nothing in this bill which was not necessary to enable the Government to sustain itself from ruin. He would not go into any debate upon the bill at this time. Why should the bill be postponed to Monday week? There was no doubt that the day on which it was taken up would be consumed by the committee in giving their explanation of their reasons for reporting the bill; and then, if gentlemen should not be ready to proceed with the subject, the discussion could be postponed.

He would make a frank acknowledgment of his own feelings. He hoped his fears were unfounded, but he had fears as to the issue of the proceedings in South Carolina; and if any thing disastrous should occur after the 1st of February, he desired to stand acquitted of having contributed any share in the production of such evils by having given his sanction to delay. As far as one vote would go, he would, at least, endeavor to prevent any collision.

Mr. MILLER, after some remarks, inaudible in the gallery, said that he did not perceive how the measures proposed by the Senator from Tennessee were to be accomplished by the passage of the bill under consideration. The 1st of February, he said, had been referred to by that Senator as a day likely to produce much evil to the country, and it had been consequently urged that this bill, or something similar to it in substance, was necessary to prevent it. But (said Mr. M.) the 1st of February will be here before that bill can possibly pass; and if the Senator from Tennessee is disposed, as he alleges, for conciliation, he can easily avoid the evils he so much deprecates, by a repeal or a modification of the tariff laws. Sir, (said Mr. M.) any modification will be, *ipso facto,* a repeal of the ordinance of South Carolina, and the acts of her Legislature passed in consequence of it, and require new proceedings on the part of the State. The Senator from Tennessee apprehends (continued Mr. M.) some ideal dangers on the day mentioned; and how does he propose to avoid them? Why, by putting at the disposal of the Executive the whole physical force of the United States—not for the purpose of putting down any unlawful acts of the people, but for the purpose of putting down the rightful act of a sovereign and independent member of the confederacy. This, sir, (said Mr. M.) is to be the grand panacea by which the gentleman from Tennessee proposes to cure the evils he so much apprehends on the 1st of February next. And what were they? There was nothing in South Carolina that had not occurred in many other instances in other parts of the Union. There had been nothing done by South Carolina that he or any other individual had not a right to do. South Carolina had said that the tariff laws were unconstitutional, and that she would not obey them. I (said Mr. M.) have a right to do the same, when I believe a law to be subversive of my rights, and in violation of the constitution. And will gentlemen, (said he,) in this last case, vote for a bill to arm the President with the whole force of the country to make war upon me? If I deny the action of the Government, according to my construction of the constitution, and take my gun in hand, or my battle-axe, and defy the officers of the United States, I do so at my own peril. It will be for the civil authority, not the military, to decide the question. South Carolina has, as yet, not done that much; and yet gentlemen, in anticipation of such an event, are about to make war upon her. Let the gentleman from Tennessee procure a repeal or modification of the tariff laws, and that will do more to cure the evil he dreads than the panacea he so highly recommends. Mr. M. said he did not rise to enter into the merits of the bill before the Senate, but to express his utter astonishment that the Senator from Tennessee should suppose that this bill could accomplish the object he had in view. He was not then prepared to say how far South Carolina would be satisfied by a modification of the tariff; that was not the subject under discussion; but this much he would say, that the measure proposed by the Judiciary Committee, and commended by the Senator from Tennessee, could be productive of no good. He had always understood that the constitution placed the civil above the military power. Pass this bill, sir, (said Mr. M.) authorizing the President, if he cannot act by the ordinary tribunals, to act with an armed force, and you at once put the military above the civil power. This, then, is the way, in the opinion of the Senator from Tennessee, to obviate the difficulties by which we are threatened. Sir, (said Mr. M.) the only way is to abate the nuisance—to repeal the unjust and unconstitutional legislation by which we are oppressed; and this will supersede any use of State authority.

There was one thing, Mr. M. said, he would advert to while he was up. He had seen, among the documents accompanying the President's message, one that was described as a test oath act. He was surprised at this, as he knew that no act bearing that title had been passed by the Legislature of South Carolina, and he was gratified to see, among the papers in the message to-day, an authentic copy of the act referred to, whose title is different from that described in the former message, and forms a part of the documents printed therewith. What the character of that act was might be seen from the certified copy now on the files of the Senate. It was this:

The people of South Carolina, in their highest sovereign character, had passed an ordinance declaring that every officer of the State shall swear to respect her constitution and laws; and the act referred to was passed in pursuance of the high authority thus given. In no case (said Mr. M.) could it be considered a test oath act. It was not intended for every citizen of the State, but for those citizens who held offices under it. The State simply required all the agents in her pay to take an oath to support her laws; and, sir, (said Mr. M.) if they have not a right to pass a law to make their own officers and agents obey them, I would not give a brass farthing for State rights. This, sir, (said Mr. M.) is the nature of the act, and yet it is called by the President a test oath act. Was this oath more a test than that taken by every Senator at the Secretary's table? or essentially different from that taken by the officers of the Government? We swear to support the constitution of the United States, and yet this is not considered a test oath. What course (asked Mr. M.) does the General Government pursue, when its officers refuse or neglect to obey its mandates? The moment (said Mr. M.) that a United States' officer refuses to obey the will of the Executive, he is dismissed from office without ceremony, with or without having taken an oath. There was no proscription (Mr. M. added) in the act of South Carolina. The ordinance (continued Mr. M.) was passed by the people of the State in their highest sovereign capacity, was a part of the constitution of the State, and every man when he takes office under the State is rightfully required to swear that he will support her constitution; and when the ordinance itself came before the Senate, Mr. M. said he would be prepared to show that the oath to support it did not conflict with the obligation to support the constitution of the United States. There was, however, one part of the ordinance which might be supposed to conflict with the constitution of the United States. It is that which denies the right of the federal court to review the decisions of the State court. The ordinance, however, in this only was intended to operate on the State officers, and did not command resistance by force to the decrees and proceedings of the federal court; it was passive—the agents of the State were simply required not to act. But (said Mr. M.) it will be recollected that the 25th section of the judiciary act, which gives this right to review, was believed by many of the best informed, and, if he mistook not, by the President himself, to be unconstitutional, and therefore null and void.

Mr. M. further said, that when the ordinance of South Carolina came before the Senate, he would not only be prepared to show that it was not contrary to the constitution of the United States, but that it was not contrary, as alleged, to the constitution of South Carolina. It was absurd, he said, to pretend that the ordinance conflicted with the constitution of South Carolina. It was framed by the people of the State, in convention—in their highest sovereign capacity—and consequently a part of the constitution itself, and a repeal of all parts conflicting with its provisions.

With these preliminary remarks, called forth by gentlemen who had preceded him in debate, and without pretending to enter into the merits of the bill, he would content himself by stating that he would vote for the longest day named. He was in favor of harmonizing the country. He was not for secession, nor was he for disunion. When Congress should declare war against South Carolina, and should put it in the power of the President to assail her with the military and naval forces of the United States, it would then be the height of absurdity to talk of secession as a constitutional right. Secession would then be revolutionary in its nature, and would be forced on the State by the war carried on against her. The secession in the ordinance was predicated on the Federal Government disregarding its peaceful obligations to South Carolina.

Mr. M. continued: If the object was to avoid the danger to the Union apprehended by the Senator from Tennessee, it could not be accomplished by the passage of the bill before the Senate. But, he said, if by Monday week, the day named by the Senator from North Carolina, a bill for the modification of the tariff should be reported in the Senate, or the bill now discussed in the House of Representatives should come from that body, it will then be time enough to say whether this bill should pass. And in either case, he would ask the Senator from Tennessee if the Senate would think it necessary to pass a bill of the nature now before them?

[The PRESIDENT here reminded Mr. Miller that it was not in order, on a mere motion for postponement, to discuss the merits of the bill.]

Mr. M. continued, that it was not his intention to discuss the bill, or its general principles. His object was only to delay action on the bill, until it could be seen whether there was a probability of the passage of a bill in modification of the tariff. By Monday week, he presumed the other House might be heard from, and it was possible that something might emanate from the Committee of Finance in this body. But (said Mr. M.) if the Senate will only now pass a resolution declaring that the tariff shall not be modified, I will at once agree to proceed to the consideration of the bill. If delayed, something may occur of a more peaceful character than that contemplated by the Committee on the Judiciary; but (added Mr. M.) if the pacification of the Senator from Tennessee is to be the only relief extended to the people of South Carolina, I can only say, Lord deliver me from such relief.

Mr. CLAY said he did not rise to go into the discussion of this question. He considered the suggestion of the Chair as to the unprofitableness of such a course, as entirely correct. And without casting censure on any Senator for pursuing such a course as he might deem fit, he was not disposed himself to go into such debate. The question before the Senate was merely to fix a day for the consideration of this bill; and on a question so trivial in itself, he regretted that there should be any exhibition of feeling. He thought that the time ought to be fixed, without reference to the 1st of February, or to any other day.

Certainly the action of this Government ought not to be retarded or quickened by any consideration of what might occur on that day. The only inquiry ought to be, what day would be most convenient in reference to the state of the public business? Although this was a highly important measure, no more time would be required than would be necessary to give it due consideration. He should, therefore, be disposed to fix a day which would not interfere with the business of the Senate, or which would be too late for their final action. He thought Thursday next was too short an interval, and that the other day was too remote. He was in favor of investing the authorities of the Federal Government with adequate powers to meet the present crisis. Yet, although he was in favor of this, he was not to be urged on by any circumstances, however imperative, to give his approbation to so important a measure, without the most careful investigation, in order that, while giving all constitutional aids to the Government, he did not invest them with any unconstitutional powers. He would, therefore, propose Monday next, considering that in the interval there would be time enough for full examination of the bill.

Mr. SMITH said he did not rise to go into the debate at all. He concurred with the Senator from Kentucky, that Monday next would be the proper day. By that time the Senate would get rid of the land bill; while, if the subject was brought up on Thursday, it was very likely that the other bill would be undisposed of.

Mr. BIBB said he was not disposed to go into an examination of the principles of the bill, upon the question for fixing the day; but he might be allowed to say, that he considered this bill as involving a return to first principles

—to the principles which influenced when we ourselves stood in the attitude of rebellious revolters against the British Government. He thought there was no man who would hesitate to invest the Government with powers sufficient for the preservation of the Union; but, when a bill was reported such as this, which gave a new action to the Government by means of the whole military and naval power to be wielded at the discretion of the President, he thought it would become Senators to pause and reflect. They ought to require time to look into a subject which made such great requisition upon their learning and research.

Thus much he had said to justify himself for moving a more distant day than Thursday next. But he had another reason for wishing delay. It was his desire to put off this discussion as long as possible. These were not the best of times for the consideration and discussion of principles of such an agitating character. Events might happen, in the course of a short time, which would render this subject less exciting. He was disposed now to adopt the motion of the gentleman from North Carolina. He wished to come to the discussion of this subject with as much reflection and solemn deliberation as he could bring with him into the debate. He thought the gentleman from Tennessee ought not, because of the occurrence of a particular emergency, to urge on to premature discussion a measure which might become part of the permanent policy of the country. He hoped that when the time for the discussion should arrive, Congress would be disposed to go into it in the spirit of conciliation and forbearance.

Mr. POINDEXTER next addressed the Chair. He said that his object in rising was, to ask that the question on the postponement of the consideration of the bill to Monday week might be taken by ayes and noes; but, while up, he said he would avail himself of the opportunity to offer some of the views which he had taken of the provisions of the bill, not for the purpose of entering into the general discussion of questions so momentous, but as justifying his vote in favor of the motion made by the honorable Senator from North Carolina, [Mr. MANGUM.] He concurred in the suggestion of the honorable Senator from Kentucky, [Mr. CLAY,] that in fixing a day for the consideration of the bill, no particular examination of its details was either proper or necessary; but it was important to look the great principles which it embraced full in the face, and to afford ample time to investigate them maturely, before the measure was called up for the final action of the Senate. He considered the bill as one of a permanent and general character, co-extensive with the Union; aiming a deadly blow at the free institutions under which we live, and not as limited, according to its obvious intention, to the attitude assumed by South Carolina, in reference to the existing system of protection to domestic manufactures. Mr. President, said he, if the title of this bill corresponded with its provisions, it might, with equal justice and propriety, be called "A bill to repeal the constitution of the United States, and to vest in the President despotic powers." Such is its spirit, and such the import of the words used to carry out the purposes intended by its enactment. No measure had ever been presented to the consideration of Congress, from the close of the revolution to the present moment, so virtually destructive of public liberty, or so palpably conflicting with the plain and positive provisions of the constitution.

The first section of the bill clothed the President with the extraordinary and dangerous power of controlling, by the exercise of his own judgment, and at his mere will and pleasure, the liberty of speech and of the press, and the right of the people peaceably to assemble to deliberate on the condition of the country, and petition for a redress of grievances—rights secured by the very letter of the constitution, and inestimable to freemen.

At the head of the amendments proposed by the States, at the adoption of the federal constitution, and which now form a component part of that instrument, is an article, which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Sir, compare the checks interposed in this section to the encroachments of arbitrary power with the language of this bill: "Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or unlawful threats and menaces against officers of the United States, it shall become impracticable, in the judgment of the President, to execute the revenue laws," &c.—then he is authorized to remove the custom-house to a secure place, and execute all the high duties and prerogatives with which the bill proposes to invest him. What shall constitute "unlawful obstructions, combinations, or assemblages of persons" is not defined; even a threat or a menace, consisting of mere words, is rendered criminal; and it is left exclusively to the judgment of the President to determine for himself what is the character and intention of "assemblages of persons," what words amount to a threat or a menace, and what is his own interpretation of these words or expressions, "to call forth the military force of the country," to enable him to carry into effect this new system of pains and penalties. May it not happen that an "assemblage of persons" for the most innocent and necessary purposes, in a particular quarter of the Union, will be construed into an unlawful combination, to obstruct the execution of the revenue laws, and, in the judgment of the President, authorize the employment of the army to disperse it? Do the people of the several States hold their constitutional privileges by a tenure so feeble and so uncertain, as the will, the mere caprice, of the Chief Magistrate? Sir, let us throw off the mask at once; enact the riot act of Great Britain; put it into the hands of one of the myrmidons of the President to be read aloud at every assemblage of persons which, in the "judgment" of the President, is unlawful; warn the multitude to disperse, and go peaceably to their homes; and, in case they refuse to obey, call out an armed force, and bring them to submission. This is substantially the power which it is now proposed to confer on the President as the basis of all the other high prerogatives enumerated in the bill on our table. But this is not the most extravagant feature in this novel and unprecedented transfer of arbitrary power in the executive branch of the Government. An assemblage of people dare not denounce an unjust, oppressive, and unconstitutional act of Congress, imposing burdens on them by an onerous system of imposts, in the presence of an officer of the United States, without being liable to have their words interpreted to mean a threat or menace against the officer, and thereby subject themselves to be dealt with as the "judgment" of the President shall decide under the provisions of this bill. The same consequences might result from the publication of a paragraph in a newspaper, denouncing an unconstitutional act of Congress, and complaining of the manner in which it is executed by an officer of the United States; this, too, might, in the judgment of the President, be a threat or menace calling for his interposition. Sir, the idea cannot be credited, that the free citizens of this confederacy will submit to these shackles on their dearest privileges, in contravention of the compact of union which secures them. It is an encroachment upon personal liberty not to be endured, and amounts almost in terms to a repeal of the constitution, which secures to every man the freedom of speech, and guards from invasion the liberty of the press, and the right of the people peaceably to assemble and declare their opinions of public men and measures. All these solemn guarantees are now to be placed in the custody of one man, and to be regulated according to his "judgment."

Mr. P. then adverted to the second section of the bill. He said it was not his intention, at present, to enter minutely into an examination of this scheme to prostrate the sovereignty of the States, and vest the President with extraordinary powers; but he claimed the indulgence of the Senate while he glanced at a part of the bill which conflicted with an express provision of the constitution. He then read from the third article of the constitution, to show the limitations on the jurisdiction of the courts of the United States. Among other defined cases, it is declared that it shall extend "to controversies between a State and citizens of another State; between citizens of different States," &c. It cannot be denied that these courts possess no jurisdiction which is not expressly conferred on them by the constitution. They are not courts of general jurisdiction; they have no common law powers; and can only resort to that code to illustrate the powers especially granted in the article of the constitution referred to: This bill enlarges the jurisdiction of the circuit courts of the United States, and extends it to controversies between citizens of the same State. The provision is written in language not to be misunderstood or misconstrued: "If any person shall receive any injuries to his person or property, for or on account of any act by them done under any law of the United States for the protection of the revenue, or the collection of duties on imports, he shall be entitled to maintain suit for damage therefor in the circuit court of the United States, or the district wherein the party doing the injury may reside, or shall be found." It is manifest that this provision transcends the jurisdiction of the courts of the United States, and is, to that extent, a repeal of the constitution. An officer of the customs at the port of Boston receives a supposed injury from a citizen of Massachusetts while in the discharge of his official duties, both being citizens resident in the same State—will any man, having the least respect for his character as a statesman, hazard the opinion that the circuit court of the United States for the district where the injury was done can take cognizance of civil action between the parties for the recovery of damages? No, sir, there is not a respectable planter in any part of the Union who would venture to justify a departure so gross and palpable from the plain letter of the constitution. But we have arrived at a crisis in the progress of this Government, when the tide of popular impulse sets in the direction of power and patronage, and the barriers of the constitution no longer afford protection to the States or to the people against the overwhelming influence of the Executive and the dominant party in the National Legislature. Pass this bill, and the very idea of State sovereignty will be treated as a vision of the imagination—a tale of by-gone days, no longer to be remembered, but to be spurned and blotted out of our political history forever. Mr. President, (said Mr. P.,) when we turn our attention to the recent state papers under the signature of the Chief Magistrate, of the principles contained in which this bill is the consummation, the friends of constitutional liberty have abundant cause of alarm and apprehension. The alternative is presented to us, in a manner not to be blinked, between our original beautiful system of confederacy composed of separate independent sovereignties, united for the great purposes of common defence and general welfare, under defined and specified powers, and a vast consolidated empire, with its despot to rule and direct its destinies.

In such a contest there can be no neutrals: he who is not for us is against us; there is not one inch of neutral ground on which the friends of State rights can stand; none can wink so hard as not to see that upon the issue of this struggle must depend the fate of this free and enviable confederacy. Shall the States retain the rights reserved to them by the patriots who framed the constitution? or shall we throw our liberties at the feet of a military despot, clothed with unlimited powers throughout this widely-extended country, backed by the army and navy, ready at the sound of the bugle to rally around their chieftain and execute his mandates? To enable each honorable Senator to deliberate well on the important questions involved in the passage of this bill, and to recur to our political history from the close of the revolution up to the present time, in order to demonstrate the true character of this Government by a review of the meaning and intention of its founders, I shall vote to postpone the consideration of this subject to the longest time proposed.

Mr. FRELINGHUYSEN said that, as a member of the committee, he felt constrained to defend the provisions of the bill against the very serious charges that had assailed it. Gentlemen had gravely affirmed that "this bill repealed the constitution, and conferred the powers of a despot on the President." So far from all this, it only enabled the Executive to discharge the sacred obligations which the constitution imposes upon him, when it ordains that he "shall take care that the laws be faithfully executed." The President has applied to us for legislative said, that he may the more certainly fulfil his high trust. This, sir, is a great duty for him and for us that cannot be dispensed with or avoided: it flows directly from our oaths to support the constitution of the United States. Mr. F. said that the dangers of the bill had been quite misapprehended by honorable Senators. The first section had been construed into the most dangerous power in the Executive alone, of deciding when combinations existed, what were riots, and what constituted menaces; whereas, by the plain terms of the law he is authorized to interpose, when from these specified causes it shall become, in his judgment, impracticable to collect the revenues of the Government. Now, sir, it will be readily perceived that this clause confers no novel or extraordinary powers. He is not to judge of combinations, unlawful assemblages, and other hostile arrays, any further than they interrupt the course of public laws: and when he is the officer bound to the duty of executing these laws, who else should have the power of vindicating their claims, and securing for them a prompt obedience?

It was further insisted by Mr. F. that the bill, with the single and harmless provision that authorized a removal of the custom-house, contained no principle that was not familiar to the legislation of Congress. Such powers as it gave to the President were conferred by our laws as early as 1795, and as lately as 1807. There was no odious or despotic feature in the measures reported by the committee. If they, as was said, made the Executive a despot, the constitution of the Union created the despotism. Sir, shall the majesty and supremacy of the laws be maintained? And how shall this be done if they may be defied, or put down by force or menace?

The bill proposes the employment of pacific measures, so long as opposition shall present a peaceful character: as in the case of South Carolina, while her ordinance and laws resist the legislation of the Union by judicial action merely, the bill meets them with the counteracting agency of the federal courts. She would draw the questions of collision to her own courts, that are sworn to nullify our laws. The bill provides that the laws of the United States shall be expounded and enforced by the courts of the United States. And when she resorts to military force, when insurrectionary movements there shall attempt to prostrate the Government of the country, and defy the judgments of its courts, then, and not until then, is the Executive to put into requisition the strong arm of military power, to defend and maintain them in their dignity and energy. And, sir, is not this all right? Is it not absolutely necessary? How otherwise can we preserve a Government? In a word, Mr. President, the bill is a necessary and salutary measure, demanded by the exigencies of the country. The Executive has declared his intention to maintain, as he shall be able, the integrity of the Union; and (said Mr. F.) for such a purpose I am prepared to sustain him.

Mr. BROWN rose, not with the intention of offering any views as to the merits of the bill which had been reported by the Committee on the Judiciary, as it would be anticipating a discussion which would more properly arise at another stage of the question. His object was merely to explain the reasons which would influence the vote he was about to give, in order that any misinterpretation of the motives which induced it might be prevented.

He should vote against the motion proposing Monday week for the consideration of the bill, because its postponement until that period would most probably defeat the great object which all, no doubt, had in view—to give to it that fair and deliberate examination which a measure of great and acknowledged importance demanded. He had most earnestly hoped that the exciting subjects which connected themselves with this question would not have mingled themselves with the deliberations of Congress on other great questions at the present session; but it could not be disguised that the question had now assumed a shape and character which left them no alternative but to meet it, and act on it. He concurred in the views expressed by the Senator from Kentucky, [Mr. CLAY,] as to the proper time for the consideration of the bill, and thought that Monday next would be the most appropriate time. The sentiments expressed by that gentleman, he must be permitted to say, were liberal, and he trusted he saw in them a spirit and temper which augured well for the adjustment of the difficulties which now menace the country. He entirely agreed with him, that the day proposed by the Senator from Pennsylvania [Mr. WILKINS] was too early, and that no reference ought to be had, in our decisions upon this question, to the 1st of February, when the ordinance of South Carolina is to go into effect. Why proceed with such a precipitate and indecent haste to the decision of a question, the great importance of which invokes our most calm and mature deliberation?

Before he took his seat, he would take occasion to remark, that when this question came up for consideration, while he would yield to none in a high and profound reverence for the Union of the States, he should most probably differ from some of those who felt an equal attachment to it, as to the *modus operandi* by which it was to be preserved. He would not be unmindful of the character of our form of Government; and one of its most distinguishing features was, that of a confederated republic. Mr. B. said he would content himself with this general remark, as any discussion of the particular features of the bill would be, at this time, premature.

Mr. MANGUM then rose to correct an impression which seemed to be on the mind of the Senator from New Jersey, that this measure had met with the unanimous approbation of the Committee on the Judiciary.

Mr. BENTON rose to a point of order. It was not in order to refer to matters which passed in another body.

Mr. MANGUM apologized to the Senate for the irregularity into which he had been led by the momentous character of the subject; but he appealed to every member of the committee whether he had not designated the bill as abominable.

Mr. WILKINS said he had only complied with the instructions of the committee in naming Thursday next. It had not been his wish to name too early a day, and he would willingly agree to take up the subject on Monday next. But he wished to suggest one or two considerations which had induced the committee to name so early a day. It had been admitted on all hands that a solemn crisis was about to arrive. He did consider it a solemn crisis; but he would not go so far as the gentleman from South Carolina [Mr. CALHOUN] had gone the other day, when he had said it was more solemn and important than that of the Declaration of Independence. All have agreed that on the first of next month, this solemn epoch will arrive. The ordinance of the State of South Carolina—the test law—that unprecedented law called the replevin act—and the law for the protection of the citizens of South Carolina—all looking to one object—all go into operation on that day. He had said all these pointed to one object. To what object did they point? The answer was simple. To nullification of existing laws—to violent resistance to the United States.

Mr. CALHOUN rose, and said he could not sit silent and permit such erroneous constructions to go forth. South Carolina had never contemplated violent resistance to the laws of the United States.

Mr. WILKINS said he was at a loss to understand how any man could read the various acts of the State of South Carolina, and not say that they must lead—necessarily lead—in their consequences to violent measures. There had been no indication on the part of South Carolina of any disposition to retrace her steps.

Up to the last moment the President had been governed by the hope that she would have been convinced of the error of her course, and have exhibited some juster conceptions of her obligations to the confederacy of which she was a member. No such disposition had been evinced. What did the gentleman from South Carolina [Mr. MILLER] mean when he said that all difficulties would be obviated if Congress should only pass this tariff law? What was to be the alternative if no such law was passed between this and the 1st of February? What, he repeated, was to be the alternative? Why, the tariff law was to be resisted and overturned in South Carolina. And was not this to be considered violent resistance to the laws? They who had framed this bill believed it to be, in every one of its provisions, strictly defensive. Every provision was defensive in its character, and intended to meet the particular crisis. There was not, on the face of the bill, one important provision introduced which was not to be found on reference to the statute book. Indeed, the present was not so strong a bill as Congress, under peculiar circumstances, had passed before.

The Judiciary Committee, in framing it, had been particularly anxious not to introduce any novel principle—any which could not be found on the statute book. The only novel one which the bill presented was one of a very simple nature. It was that which authorized the President, under the particular circumstances which were specified in the bill, to remove the custom-house. This was the only novel principle, and care was taken that in providing for such removal no authority was given to use force.

The committee were apprehensive that some collision might take place after the 1st of February, either between the conflicting parties of the citizens of South Carolina, or between the officers of the Federal Government and the citizens. And to remove, as far as possible, all chance of such collision, provision was made that the collector might, at the moment of imminent danger, remove the custom-house to a place of security; or, to use a plain phrase, put it out of harm's way. He admitted the importance of this bill; but he viewed its importance as arising not out of the provisions of the bill itself, but out of the state of affairs in South Carolina, to which the bill had reference. In this view, it was of paramount importance.

It had become necessary to legislate on this subject; whether it was necessary to pass the bill or not, he would not say; but legislation, in reference to South Carolina, previous to the 1st of February, had become necessary. Something must be done; and it behooves the Government to adopt every measure of precaution, to prevent those awful consequences which all must foresee as necessarily resulting from the position which South Carolina has thought proper to assume. He had no objection to make the bill the special order for Monday next, but he hoped no day more distant than that would be fixed on.

Mr. MILLER said, that the Senator from Pennsylvania [Mr. WILKINS] had asked him "what was to be the alternative in case the tariff bill now pending should not pass?" He was not authorized to reply to this question for the State of South Carolina. But he would tell the Senator that, in his opinion, Congress might obviate the existing difficulty by passing a bill to decrease the tariff duties. The passage of even an initiating bill would obviate the difficulty, as the convention of South Carolina must be called again to meet the new contingency. He was not prepared to say what kind of a bill would satisfy South Carolina, but a new bill, whatever its character, would have the effect of annulling the ordinance. The actual state of South Carolina was this: By virtue of her reserved rights, she was about to throw off judiciously and peaceably a burden which had been cast upon her by the United States. Standing on their own soil, the people of South Carolina were about to rid themselves of an incubus to which they had been subjected. He would not go into a statement of the operation of this process through all its various ramifications; but, he contended, that gentlemen could not see, in the ordinance, or in the laws of South Carolina, any evidence to sustain the apprehensions of a violent resistance to the laws. It was a mere phantom of an excited imagination which had produced the great alarm that seemed to exist.

The Senator from Pennsylvania had said that South Carolina did not retrace her steps, when she was particularly invited to do so by the President. He (Mr. M.) did not now intend to say whether South Carolina was right or wrong in the course she had taken. But that State had thought that the President had no right to issue the proclamation which had come from him. The citizens of that State had thought that, under no construction of constitutional right, could they be deprived of the right to assemble in their own State, for the purpose of amending their own organic law; and that, when they did, they were to be put down by a proclamation of the President of the United States. The people of that State believed that, in issuing this proclamation, the President had himself been guilty of an unconstitutional and unauthorized act. When the Senator from Pennsylvania could show that it was the duty of the citizens of South Carolina to refrain from the exercise of their constitutional rights, in deference to the President of the United States, it would be time enough to answer the charge he had made against the State for not retracing her steps.

The President had, in his opening message at the commencement of the present session, recommended a modification and reduction of the tariff duties. South Carolina was ready to afford to the friends of the President the longest possible time to act on this recommendation; and for this purpose he should vote to postpone this bill to the most remote day. He challenged those who rallied round the President to come on, and to show why it was that they now wished to hurry the discussion of the bill. The President had said that the tariff ought to be repealed. Let Congress modify or repeal the tariff by 12 o'clock on the night of the 3d of March, and he would underwrite the State of South Carolina, that not an act of violence would take place, not a drop of blood would be shed. He would, therefore, throw the responsibility of any contingent violence on the gentlemen who were the reputed friends of the President. It was very well known that, at the last session, when this subject was disposed of, he had himself stated on this floor every principle which was contained in the ordinance of South Carolina. He had declared that the act of the last session was unconstitutional, and that the South would not be satisfied with it. From the indications around him he was at a loss to decide whether he had been right or wrong.

The Senator from Pennsylvania had said that there was no novel feature in this bill, except that which authorized the President to establish floating custom-houses. The bill provided that in case of any unlawful assemblage, that is, that if some half dozen sailors were to assemble together, and thus give color to the idea of an unlawful assemblage, and if this were to be near the custom-house, the President, having no greater love for South Carolina than he had for any northern State, might have resort to force. Another exceptionable provision in the bill was that which gave the power to the officer to keep possession of the goods which he may have taken, until the amount of the duties should be paid down in hard dollars. The State of South Carolina and the United States stood in relation to each other as two travellers who may have encountered each other on a hedge. If both would agree to keep the right, they might pass easily; but if they would come in opposition, the stronger would pass over the weaker. Now, the Committee on the Judiciary had given to the President power, whenever his collectors, his agents, or his minions asked, to call out the whole military force, to ride rough-shod over the liberties of the people. If the Senator from Pennsylvania wished to give an opportunity to Congress to pass any act which would have the effect of conciliating South Carolina, why did he object to the most remote day which was named?

Mr. KING regretted to see that gentlemen appeared anxious to rush into a debate on the subject at this time. For himself, he was prepared to give the question all the consideration which it demanded. It was one of vital importance. He was ready to give the National Government of the country, and the President who presides over it, such power as would be necessary to uphold and enforce the laws; but, at the same time, he was disposed to withhold his vote for any proposition which, in his judgment, interfered with the rights of the States or those of the people, or which would place in the hands of the President power which the constitution never intended. He was not prepared to say whether the bill went to that extent, and therefore wished to have time to make up his mind. He had, however, hoped that action elsewhere would have calmed the disquietude of the South, and that a returning sense of justice on the part of those who had forced the protective system on the country, would have prevented the necessity of clothing the President with the extraordinary power conferred by this bill. He feared, however, that there was now but little hope, either from the other House or from this, in reference to this matter. The discussion on this question, therefore, must come—it seemed perfectly clear that that must be the case.

He considered that the subject ought not to be postponed to so distant a day as would defeat any action on the subject. We owed it to ourselves, to the country, to the administration, to give the matter a proper, a fair examination, and by the yeas and nays to decide the question. He rose principally to say he should vote against the postponement to Monday week, because he believed that gentlemen could come to the discussion as well prepared in a shorter period as they would by deferring the subject to a longer time. If he could believe that any events would occur to render this discussion unnecessary, he would be willing to put it off for a month to give time for such events to interpose; but he believed that no delay would be long enough to prevent it altogether. He should vote against the motion for Monday week, and most assuredly against the proposition for Thursday, as being altogether too short a postponement. We should, by fixing on the earliest day, be precipitated into the subject, and go into a discussion before a single document could be examined. He was astonished when the Senator from Pennsylvania [Mr. WILKINS] made his proposition. He should give his vote for the proposition made by the Senator from Kentucky, [Mr. CLAY;] for by that time the Senate would, in all probability, be prepared to enter upon the subject.

The question on the longest day being first in order, was taken and decided in the negative, as follows:

YEAS.--Messrs. Bibb, Black, Calhoun, Mangum, Miller, Moore, Poindexter, Rives, Tyler.—9.

NAYS.--Messrs. Bell, Benton, Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnson, Kane, King, Knight, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, White, Wilkins, Wright.--37.

So the motion was negatived.

Mr. WILKINS then withdrew his motion for Thursday.

The motion made by Mr. CLAY was then agreed to.

So the bill was postponed till Monday next, and made the special order for that day.

POWERS OF THE GOVERNMENT.

Mr. CALHOUN then rose and said, that not agreeing with the chairman of the Judiciary Committee that the measures proposed in the bill were of an ordinary character, and such as were sustained by precedents, but, on the contrary, fully according in the declaration of the Senator from Mississippi [Mr. POINDEXTER] that it would, in fact, be a repeal of the constitution should it receive the sanction of Congress, he had risen to offer three resolutions, with a view of testing the principles on which the bill rested.

He had drawn them with great care--with a scrupulous regard to the truth of every assertion they contain, which, he believed, no one who valued his character for candor could contradict, and that no impartial jury in christendom could, on an issue, refuse to render a verdict in their favor; and he had been equally scrupulous in making no deductions but what were sustained by the clearest and most demonstrative reasoning.

Mr. C. said that, though the bill was couched in general terms, and made applicable to all the States; and though it referred, apparently, on its face, to cases only of insurrection, or lawless resistance of individual force, yet it would not be denied that it was intended to be applied particularly to the case of South Carolina, and with the intention not of putting down the lawless combinations of individuals in that State, but the authorized opposition of the people of South Carolina to an act which they conscientiously believed unconstitutional and oppressive, and, as such, exercising the right which belongs to her in the last resort, as a sovereign member of the confederacy, she has declared to be null and void. Whatever resistance, then, may be made in the State of South Carolina is a resistance by the State itself, authorized by her sovereign authority, and not the resistance of a lawless combination of individuals. It is to put down this resistance that the measure now before the Senate has been reported, and in this character it is wholly unprecedented; there is no example of the kind to be found on our statute book.

Here, then, (said Mr. C.,) is presented the great—he would say the awfully important question--has Congress the right to pass this bill? There are two views of our constitution, going back to its fundamental principles; one contained in the proclamation and the message of the President, which have given birth to the bill, and the other the ordinance and proceedings of the people of South Carolina. As the one or the other of these views may be correct, the bill must be pronounced to be constitutional or unconstitutional. If it be true, as stated by the President, that the people of these United States are united on the principle of a social compact, as so many individuals constituting one nation; if they have transferred to the General Government their allegiance; if they have parted with the right of judging, in the last resort, what powers are reserved and what delegated; then, indeed, the States are without sovereignty, without rights; and no other objection can be made to the bill but what might be made to its expediency. But if, on the other hand, these positions are utterly false; if, in truth, the constitution is the work of the people forming twenty-four distinct political communities; if, when adopted, it formed a union of States, and not of individuals; if the States have not surrendered the right of judging in the last resort, as to the extent of the reserved, and, of course, of the delegated powers; then, indeed, there is not a shadow of foundation in the constitution to authorize the bill; but, on the contrary, it would be wholly repugnant to its genius, destructive of its very existence; and involved a political sin of the highest character—of the delegated acting against the sovereign power--of the creature warring against the creator.

In making these assertions, Mr. C. said he had the authority of the President of the United States himself. He had tacitly acknowledged that if the views of the constitution on which the State of South Carolina has acted be correct, then neither this nor any other measure of force could be adopted against her. On no other principle could the long and elaborate argument (and false, he was compelled to say, as long and elaborate) contained in the proclamation and in the message be explained. Well might the President feel that unless the doctrines on which South Carolina had acted could be successfully resisted, it would be impossible for the Government to adopt any measure against her: which presented the great and solemn question, are they true or not? on which he proposed to make a few remarks, with the intention that the Senate might duly and deliberately reflect on them in the short interval between this and Monday next, (the day fixed for the discussion of the bill.)

The great question at issue is, where is the paramount power? Where the sovereignty in this complex, but beautiful and admirable system (if well understood) is lodged? for where the sovereignty is, there too must be the paramount power. A few plain, simple, and incontrovertible positions will determine this point. That the people of the States, as constituting separate communities, formed the constitution, is as unquestionable as any historical fact whatever. It stands upon the most durable and unquestionable record--as much so as the records of any court in the universe; and that the Union, of which the constitutional compact is the bond, is a union between States, and not between a mere mass of individuals, rests on authority not less high—on the constitution itself, which expressly declares, in the article of ratification, that it shall be binding *between the States ratifying the same*—words more explicit, he would say *technical*, could not be devised; yet, as certain as these facts are, they cannot be admitted without admitting the doctrines for which South Carolina contends. They, by the most certain and direct deduction, conclusively will show where the paramount power of the system is—where its sovereign authority resides.

No one will pretend that the sovereignty is in the Government. To make that assertion would be to go back to the Asiatic idea of government—it is scarcely European, as the most intelligent writers in that section of the globe long since traced sovereignty to a higher source. No, the sovereignty is not in the Government, it is in the people. Any other conception is utterly abhorrent to the ideas of every American. There is not a particle of sovereignty in the Government. If, then, it be in the people, which cannot be denied, unless by extinguishing the lights of political science for more than two thousand years, the only possible question that can remain is, in what people?

In the people of the United States collectively, as a mass of individuals, or in the people of the twenty-four States, as forming distinct political communities, confederated in this Union? The facts already published decide this question, and prove the sovereignty to be in the people of the several States. No such community ever existed as the people of the United States, forming a collective body of individuals in one nation; and the idea that they are so united by the present constitution, as a social compact, as alleged by the proclamation, is utterly false and absurd. To call the constitution the social compact, is the greatest possible abuse of language. No two things are more dissimilar; there is not an expression in the whole science of politics more perfectly definite in its meaning than the social compact. It means that association of individuals, founded on the implied assent of all its members, which precedes all Government, and from which Government or the constitutional compact springs; and yet, the President, in the daring attempt to put down our federal system, has ventured to confound things so totally dissimilar. The sovereignty, then, is in the people of the several States, united in this federal Union. It is not only in them, but in them unimpaired; not a particle resides in the Government; not one particle in the American people collectively.

The people of the States have, indeed, delegated a portion of their sovereignty, to be exercised conjointly by a General Government, and have retained the residue to be exercised by their respective State Governments. But to delegate is not to part with or to impair power. The delegated power in the agent is as much the power of the principal as if it remained in the latter, and may, as between him and his agent, be controlled or resumed at pleasure. Now mark the consequence.

No one can deny that the act of the sovereign binds the citizen or subject. The latter is not individually responsible for the act of the political community of which he is a member, and to which he owes allegiance. The community only is responsible. This is a principle universally recognised; but without regarding a principle so obvious—formed upon the highest sense of justice—this bill proposes to make the citizen of South Carolina individually responsible for the sovereign acts of the State to which he owes his allegiance! An outrage, more than barbarian, upon the fundamental principle of political institutions, as has ever been recognised by all people so far advanced in civilization as to be formed into political communities. None can doubt that the convention of the people of South Carolina is the true organ of her sovereignty. According to our American ideas, sovereignty, instead of lying dormant in the mass of individuals composing a State, and instead of being capable of being called into action by a revolutionary movement only, has a known, organic, and peaceable means of action. That means is a convention of the people. Through its instrumentality all of our constitutions, State and Federal, were formed and ratified. Through the same authentic voice the people of South Carolina spoke in her late ordinance; which, as far as her citizens are concerned, is not less obligatory than the constitution itself.

It is to see that, under this aspect of the subject, this bill presents a question infinitely beyond that of the tariff or its constitutionality, of nullification, or whether the Supreme Court is the tribunal appointed by the constitution to decide questions in controversy between the State and Federal Governments. It sweeps away the whole of these questions. It may be admitted, to illustrate this idea, that the tariff is constitutional; that the Supreme Court is the authority appointed by the constitution to judge questions in conflict between the State and Federal Governments; and yet this bill cannot be justified. High as the authority of the court may be, its powers are but delegated powers; it makes a part of the Government itself; and, like every other portion of the Government, is destitute of the least particle of sovereign power. As delegated powers may be resumed by the sovereign delegating the same, such a resumption may be a breach of compact—a violation of the faith of the State; but, even in that case, the State, as a community, and not its citizens individually, is liable. The State, as a community, can break no law. It can, as a sovereign body, be subject to none. It may pledge its faith; it may delegate its powers; it may break the one and resume the other; but the remedy, in such cases, is not hostile enactments; not law, by which the citizens individually are made responsible—as the bill most absurdly and preposterously proposes; but open force—war itself—unless there be some provision of a remedial and peaceful character provided in the compact.

I am not now (said Mr. C.) about to discuss the question of using force on the part of the Federal Government against the State. That question is not now before the Senate; but, should it be presented in any stage of this proceeding, I stand ready to prove that this Government has no right even to resort to force. The illustrious men who framed our constitution were too wise and patriotic to admit of the introduction of force in constituting a federal system, they had too profound a knowledge of the human heart, too deep an insight into history, not to perceive that the introduction of force into such a system must necessarily lead to a military despotism. The fabric is too delicate to stand its rude shock. They devised, as a substitute, a far more effectual and peaceful means—one much more consonant to the advanced progress of political science and civilization. He alluded to the provision by which all contests for power between the Federal Government and the States may be virtually decided in a convention of the States. That is the true, wise, and constitutional means of terminating this controversy. Let the States be convened in convention; let the stockholders, if he might be permitted so to express himself, of this great political partnership be called together, that all conflicts of power between the directors and any portion of the stockholders may be determined in conformity to the provisions prescribed in the charter of association.

If, then, in a case supposed, (where, for the sake of the argument, the constitutionality of the tariff is conceded, and with the same view the authority claimed for the Supreme Court acknowledged,) there would be no right to pass this bill of pains and penalties on the citizens of South Carolina for adhering to their allegiance to the State, how much stronger must be the objection to its passage when we advert to the fact, that it is not a case of resumption of power delegated to the Government, but the defence of reserved powers against unconstitutional encroachment. So far from conceding the constitutionality of the tariff or the powers claimed for the Supreme Court, not only the State of South Carolina, but all the Southern States, believe it to be not only unconstitutional, but highly oppressive; and that the Supreme Court, so far from being the tribunal appointed to decide political controversies, is limited by the constitution itself to cases arising in law and equity, and, of course, where the parties are amenable to its process.

Mr. C. said that he could not but perceive in the bill its self-evidence that there was, on the part of its authors, an internal feeling of the force of these arguments; they have not made it directly applicable to the case of South Carolina, nor to the case of a State opposing, on her own sovereign authority, what she believes to be an unconstitutional act of the Federal Government. If there be guilt, South Carolina alone is guilty. Why, then, make the provisions of the bill applicable to all the States? Why make it the general and permanent law of the land? The other States have not been even the abettors in the mighty struggle of South Carolina to maintain the constitution and liberties of the country. She has been discountenanced even by her sister States immediately interested in the issue! Why, then, commit the injustice of including them in its penal enactments? Why disguise the real intention, that is to coerce a sovereign State, exercising her constitutional right of judging, in the last resort, of her reserved rights, with a view of protecting her citizens against the encroachments of the Federal Government? Why not meet this mighty issue boldly and manfully? Why confound the movements of a State with riots, mobs, and insurrections? But one reason can be assigned. A conscious instinct of the palpable injustice and absurdity of such a bill. Mr. C. said, that viewing the bill on its principles, he conceived it a virtual repeal of the constitution, as much so as if it was expressly drawn on its face with "Be it enacted by the authority of the Senate and House of Representatives, that the constitution be, and the same is hereby repealed." Should it pass, it will effectually and forever put down our beautiful federal system, and rear on its ruins a consolidated Government. The sovereignty of the States would be forever submerged—that sovereignty which constituted ours a federal system, and the loss of which would make it a consolidation.

The issue is now before us; the decision cannot be much longer delayed; the rejection or the passage of this bill will probably decide it forever. Let no one suppose that, in deciding this great question, our system will stop at mere consolidation; it is but a stage in the certain progress to military despotism, and that the most odious and oppressive; as, in proportion to the independent free spirit of the people, must be the sternness of the despotism necessary to hold them in subjection. But two modes of political existence can long endure in our country; the one that formed, by the framers of our admirable constitution, a federal system, uniting free and independent States in a bond of union for mutual advantages, and to be preserved by the concurrent assent of the parts; or a government of the sword. The choice is before us.

Mr. C. said that he had drawn the resolutions which he was about to propose, for the purpose of bringing the principles of this bill distinctly before the Senate; and that he had accompanied them with the few remarks which he had made, with a view of calling the solemn attention of its members to the mighty consequences which he conscientiously believed to be involved in its passage. He conceived it to be impossible to adopt the resolutions and to pass the bill, and that it was equally impossible to deny the facts on which they rest, or reject the conclusions deduced therefrom.

Mr. C. concluded by submitting the following resolutions:

"*Resolved*, That the people of the several States composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is a union between the States ratifying the same.

"*Resolved*, That the people of the several States, thus united by the constitutional compact, in forming that instrument, and in creating a General Government to carry into effect the objects for which they were formed, delegated to that Government, for that purpose, certain definite powers, to be exercised jointly, reserving at the same time, each State to itself, the residuary mass of powers, to be exercised by its own separate Government; and that whenever the General Government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, and are of no effect; and that the same Government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.

"*Resolved*, That the assertions that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and as such are now formed into one nation or people, or that they have ever been so united in any one stage of their political existence; that the people of the several States composing the Union have not, as members thereof, retained their sovereignty; that the allegiance of their citizens have been transferred to the General Government; that they have parted with the right of punishing treason through their respective State Governments; and that they have not the right of judging in the last resort as to the extent of the powers reserved, and, of consequence, of those delegated; are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power on the part of the General Government, or any of its departments, claiming authority from so erroneous assumptions, must of necessity be unconstitutional, must tend directly and inevitably to subvert the sovereignty of the States, to destroy the federal character of the Union, and to rear on its ruins a consolidated Government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

The resolutions were ordered to be printed.

PUBLIC LANDS.

The Senate then proceeded to consider the bill to appropriate, for a limited time, the proceeds of the sales of the public lands, &c.

Mr. EWING rose to continue his remarks, but yielded to a motion for adjournment.

WEDNESDAY, JANUARY 23.

MR. CALHOUN'S RESOLUTIONS.

The resolutions offered yesterday by Mr. CALHOUN were then taken up for consideration.

The resolutions having been read,

Mr. MANGUM said, he did not perceive that any benefit could result from the discussion of these resolutions at this time. There was other business of importance before the Senate, to the immediate action on which the disposition of that body pointed. With a view, therefore, to save the time of the Senate, and to bring the whole subject under consideration together, he would move to postpone the further consideration of the resolutions until Monday.

Mr. CALHOUN expressed his acquiescence in the motion. He had no desire to anticipate the discussion on the bill. He merely desired to have an opportunity of being heard at an early period on the subject of his resolutions.

Mr. GRUNDY expressed a hope that the gentleman from North Carolina would, for a moment, withdraw his motion, in order to give him an opportunity to present an amendment to, or rather a substitute for, the original resolutions. His substitute might then be printed, and the whole might be taken up together. He would, after offering his amendment, acquiesce in any motion for postponement.

Mr. MANGUM withdrew his motion.

Mr. GRUNDY then moved the following as a substitute for the original resolutions:

"*Resolved*, That, by the constitution of the United States, certain powers are delegated to the General Government, and those not delegated nor prohibited to the States are reserved to the States, respectively, or to the people.

"2. *Resolved,* That one of the powers expressly granted by the constitution to the General Government, and prohibited to the States, is that of laying duties on imports.

"3. *Resolved,* That the power to lay imposts is by the constitution wholly transferred from the State authorities to the General Government, without any reservation of power or right on the part of the State.

"4. *Resolved,* That the tariff laws of 1828 and 1832 are exercises of the constitutional power possessed by the Congress of the United States, whatever various opinions may exist as to their policy and justice.

"5. *Resolved,* That an attempt on the part of a State to annul an act of Congress passed upon any subject exclusively confided by the constitution to Congress, is an encroachment on the rights of the General Government.

"6. *Resolved,* That attempts to obstruct or prevent the execution of the several acts of Congress imposing duties on imports, whether by ordinances of conventions or legislative enactments, are not warranted by the constitution, and are dangerous to the political institutions of the country."

Mr. GRUNDY moved that the resolutions he had offered be printed.

Mr. WEBSTER suggested that the motion, to be correct in point of form, should be to postpone the whole subject till Monday, and in the mean time to print the amendment.

Mr. MANGUM then varied his motion to embrace the two objects, and the motion for postponement was then agreed to.

PUBLIC LANDS.

The Senate then resumed the consideration of the bill to distribute, for a limited time, the proceeds of the public lands. The question being on the motion of Mr. Poindexter to amend,

Mr. EWING concluded the remarks which he had commenced on Monday. (Given entire above.)

Mr. HILL next rose, and said: The bill originally reported, after giving to the seven new States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, besides the five per cent. to which they are entitled by compact, entered into when they were severally admitted into the Union, and twelve and a half per centum upon the nett amount of all the sales of public lands, divides the residue of the nett proceeds of the public lands among the twenty-four States of the Union, according to their respective federal representative population, to be applied by the Legislatures of the said States to such objects of education, internal improvement, colonization of free persons of color, or reimbursement of any existing debt contracted for internal improvements, as the said Legislatures may severally designate and authorize. It grants, besides, to the new States of Mississippi, Louisiana, and Missouri, one half million of acres each; to Indiana, one hundred and fifteen thousand two hundred and seventy-two acres; to Illinois, twenty thousand; and to Alabama, one hundred thousand acres of land, lying within their own limits, the nett proceeds of the sales of which to be applied to objects of internal improvement within those States.

The amendment submitted by the Committee on Public Lands provides that the public lands heretofore offered for sale at one dollar and twenty-five cents the acre, and remaining unsold, shall, after the thirteenth of June next, be offered at private sale at one dollar per acre. The second section of the amendment provides that any head of a family, or single man over twenty-one years of age, or any widow, may demand and receive from the register and receiver a written permission to settle on a tract of land not exceeding one quarter-section, and that the person so applying, if he or she shall forthwith settle thereupon and cultivate the land for five consecutive years, and shall have paid down the sum of fifty cents per acre, shall be entitled to receive a patent therefor from the United States. I am not yet prepared to say whether or not the amendment proposed is the best disposition, consulting the great interests of the Union, which can be made of the public lands; but I must protest against the principles which are involved in the bill proposed to be amended.

The original proposition presents itself as a direct appeal to the cupidity of the several State Governments, in which the people are supposed to have a nearer interest than in the General Government; it is an invitation to take and eat of the forbidden tree, with the assurance, "thou shalt not surely die."

The friends of a high tariff in the old States are supposed to advocate the bill, while the opponents of a high tariff in the old States oppose it. The interest of the tariff and anti-tariff States, so far as relates to the reception of the dividend proposed, must be the same. Money must be as acceptable to the State of Georgia as to the State of Massachusetts. Why, then, does not Georgia seek the same disposition of the public lands as does Massachusetts? Georgia well knows that the proceeds of the public lands, abstracted from the treasury, creates the necessity of raising, by taxation on the consumption of the country, an equal amount; and Massachusetts, in the same thing, fancies that this additional taxation goes so much for the protection of that class of her citizens who have invested capital in various manufactures.

The idea is altogether fallacious, that the great mass of the people of this country can be benefited by the division of the proceeds of the sales of the public lands among the several States. So long as the legitimate expenditures of the National Government exceed the amount of revenue raised from any other than public property, so long will such a division of the avails of the public lands among the several States lessen the burdens of the people not at all. We will see what will be the operation of this dividend on the State of New Hampshire.

It will be admitted by all to be bad policy to raise money in any Government for the purpose simply of distributing it among those who have originally contributed it. The expenses of collection and distribution, and the interest or use of the money raised during the term of the whole process, are so much dead loss. The distribution of the avails of the sales of the public lands, so long as it is necessary to raise money by impost or otherwise, is still worse in principle than the taxation and distribution to which I have alluded. It is worse to New Hampshire and to all the States on the seaboard; because, while those States receive less than their proportion from the public lands, they pay more than their proportion of the taxes on imports to support the Government.

In the distribution of three millions of dollars, the proportion of New Hampshire will be about sixty thousand. This sixty thousand dollars, augmented by the expense of collection, and the greater portion of duties paid by consumers on the seaboard than by those living far in the interior, who consume less, will bring upon her an additional tax of at least one hundred thousand dollars; so that for every sixty cents received she pays out a dollar in new taxes. If an individual in his own private affairs were to engage in such a speculation as this, he would be set down as a fool.

But it is not the loss from the speculation itself that I so much deprecate--it is the demoralizing effect the dividend must have on the healthy action of our State Governments. Where a State has incurred an enormous debt in attempting to make internal improvements in unproductive roads and canals, the application of the dividend might be well applied to discharge the interest upon an interminable burden which has been thrown upon such

State, and, when thus applied, would no longer be a subject of controversy; but in a State like New Hampshire—a State which has been too poor to run herself millions in debt on splendid projects of roads and canals—a State whose hardy yeomanry have contrived to make tolerably convenient roads and to improve the navigation of their rivers without either running the State, as such, in debt, or asking Congress for appropriations—in New Hampshire this appropriation of sixty thousand dollars annually—if, indeed, the whole proceeds of the public lands shall hereafter give her this as a dividend—would go to turn our State Government topsy-turvy.

The State would never consent that any portion of this dividend should go for the purpose of colonizing free blacks in Africa. But if it was to be applied for objects of internal improvement, there would be an annual scrambling in the Legislature that would keep up a constant warfare between the different sections of the State. The West there would have an interest in making improvements, which would carry away the business from the East; the extreme North would turn her roads towards the State of Maine, and the South would draw them towards Massachusetts; while the only seaport and commercial capital of the State would consider that she had a claim that all the money should be extended to bring the whole business of the State into her lap. The result would be, that the strong would combine and deprive the weak of their proportion of the benefits; that these benefits would be unequal; that new expedients would be resorted to, to give the appropriations a different direction; and that the State would be kept from year to year in a turmoil. Thousands of dollars of the dividend would be expended in useless legislation, in contriving ways and means to secure some portion of the money.

Projects of improvement would be started, involving a greater expenditure than the land fund would warrant. Some bridge, or road, or canal, which had been begun and under estimated—for what project of this kind, in its incipient state, was ever estimated at half its cost?—must be completed: the land fund from Congress fails. The State must hire money, or raise additional sums to carry the improvement on. Where credit is good, as that of a city, corporation, or State, loans may be effected, if not in this country, in Europe; and posterity may have entailed upon it a perpetual tax to pay the annual interest on money applied to such improvements as will not afford even a sufficient income to pay for their own repairs.

Is the land dividend applied to purposes of education? It will then be a matter of dispute whether it shall go to a high school or a common school, to a college or an academy; to prepare the pupil for the pulpit or the bar; for surgery or physic; or whether males exclusively, or females, or both, shall be entitled to its benefits.

If, Mr. President, the amount of dividend was so much real gain to a State, the inconveniences that might arise from State legislation on this subject were not worthy to be named. But when it is considered that the State has to contribute its full share, and to pay a larger tax to fill the vacancy which the abstraction of this dividend has produced, "Folly, with her cap and bells," could not appear more ridiculous than this project.

Are the State Governments to be reduced to abject dependence on the treasury of the nation? Are they to depend on the breath and the favor of the two branches of Congress? Are they to come here crouching for the means to enable them to educate their children, or to complete some great public improvement, at the same time they are taxed in what they eat, drink, and wear, to fill up that vacuum in the national chest which has been produced by the donation? Do you call this a gift—a favor to any State?

It has become evident to my mind that we must either confine the legislation of the Federal Government to the defined objects of the federal constitution, or present that continued collision between the National and State Governments which must end in consolidation, anarchy, and ultimate dissolution. I am of those, Mr. President, who believe that Congress is no less potent under the powers expressly granted to it by the people of the States, than the Legislatures of the States are by the powers granted them by the people of each State. Rightly practised upon, there is a beauty and a harmony in our constitution, forever assuring the liberties of the people.

The framers of the constitution never intended that the National Government should raise money to be distributed among the State Governments, any more than they intended that the common funds of the General Government should be dissipated in splendid projects of internal improvement. When Virginia ceded her title to the present States and territory north of the Ohio and east of the Mississippi, as a "common fund" to discharge the debts of the revolution, could it be believed it was the intention of the terms of that compact that at any future time the avails of those funds should be paid over directly by the General Government to the States of Massachusetts and Connecticut? What was the State of Massachusetts is every year deriving much public revenue from the public land within her limits; the sums secured to the treasuries of Massachusetts and Maine the present year for these public lands amount to nearly three hundred thousand dollars. This fact is announced in the messages of the Governors of those two States to their Legislatures at the present session.

Are Massachusetts and Maine attached to the union of these States? and can they insist that three millions of the common fund, collected from the avails of the public lands, shall be distributed among the States in the very year that they are deriving from the sales of the public lands within their limits a greater amount than what would be their share of the dividend? Does Connecticut insist on another annual slice to herself, who has a common school fund of between one and two millions of dollars derived from public lands, which she claimed beyond her limits subsequent to the revolution? Cannot these three States be satisfied with that disposition of the lands which are left to the whole United States, that leaves them a common fund to pay the expenses incurred by the General Government in their purchase, survey, and management, or to relieve the people of other burdens? Are these States not willing that the public lands should at present go to pay the million of dollars that are taken from the treasury to pay their revolutionary pensioners? Do they wish to tax the whole consumption of the Union, the food and clothing of the whole people of the United States, to pay their pensioners of the revolution, and at the same moment snatch from the treasury, for their own benefit, the common fund set apart to pay the debt of the revolution?

This project for dissipating the avails of the public lands, I am happy to say, did not originate with either the Senators from Massachusetts, Maine, or Connecticut; but if the bill passes, it must pass by the votes of those Senators.

There is not one of the original States south of the Potomac which supports this bill. Does not the bill do great relative injustice to those States? Is the present a time to impose greater burdens on the people of the South than the ordinary expenses of the Government require? They consider this measure as intended for no other purpose than to fix permanently on them an additional tax to the amount of their proportion of three millions of dollars; nay, sir, if it is intended in this additional tax of three millions to afford "protection" to the great manufacturing capitalists of the East, including the raised price of the articles protected, it may be the means of imposing on the people of the South their annual proportion of a tax of six, or ten, or even fifteen millions of dollars.

Can it be denied that the protection which has been held out as the greatest beauty of the "American system"—that protection which involves the palpable contradiction of cheapening the article to the consumer, and at the same time keeping up the profits of the manufacturer—can it be denied that this protection is a principal object of the bill under consideration? Why will gentlemen at this time insist on a measure which adds fuel to the flame already glaring upon us in the South? Why will they insist on a new construction of the constitution—a construction which Virginia and the whole South have combated from '98 down to the present time—as a means of dissipating more funds of the Government, that further burdens may be imposed? Is this a time to make further innovations on the constitution? Is this a time to commence new projects? If gentlemen have a real attachment for the Union, they will now manifest that attachment by frowning on every measure calculated to increase the discontents of any portion of the Union.

The extinction of our national debt presents this nation in an attitude to excite the admiration of the world: there is probably on record no other instance of the kind. Now is the favorable time to put that practical construction upon the constitution which shall confine the Government within its acknowledged limits, and leave full scope for the States to act in their several spheres. It will be impossible that this Government shall go on, if Congress shall permanently assume powers which the framers of the constitution never intended to grant; such, for instance, as the right to make unlimited appropriations for internal improvements, for roads, bridges, and canals, by which the people of the several States are to be bought up with their own money. If this power be contested, as I trust it will be, successfully, what shall we say of the right of Congress to divide any portion of the common funds of the country among the States for the same object?

A most decisive objection to the division of the proceeds of the public lands proposed by the bill, is its inequality. The Senator from Kentucky [Mr. CLAY] has insisted that the public lands are the common property of all the States—that each of the States is entitled to its full share. But in a different part of his argument, he has told us that an equal proportion to the seven new States would be one-sixth, and that the bill gives to these seven States, besides the five per cent. allowed them by the law already existing, nine hundred and sixteen thousand of the three millions of dollars—nearly one-third of the whole amount! And this is not all: half a million of acres of land are to be granted to three of these new States, in addition to the seventeen per cent. which they already have over and above the old States.

It will be remembered that the proceeds of the sales of the public lands were not as much during the year 1832, as they were in 1831. In the last named year, they amounted to $3,557,023 76. In the first three quarters of 1832, they were $1,904,467 57, being a proportion of half a million less than in the preceding year. Now take the last year as the rate for five years to come, and let it be borne in mind (as the Senator from Missouri [Mr. BENTON] has assured us) that it now costs the treasury nearly a million of dollars a year to discharge the public obligations on account of Indian treaties, and half a million more to manage these public lands—how much more than the sum actually drawn out of the treasury for the management and purchase of the public lands will be divided among the old States, as their part of the proceeds of the sales? Very little, if any. And will it not be a glorious operation—worthy of renowned statesmen—to tax the people of the United States two or three millions of dollars for the purpose of dividing that sum in a most unequal and unjust ratio between the several States?

> "The King of France, with twenty thousand men,
> March'd up the hill, and then march'd down again."

After the money has been paid into the treasury, I can see no difference between the avails of the sales of the public lands, and the money collected by impost. It is said, that by the constitution Congress have power to dispose of the public lands without any restriction, and that, if they can thus dispose of the lands, they can in like manner dispose of the avails of the lands. I presume those who believe that we have so much money in the treasury that we cannot deal it out too liberally, would make no difference between the money brought into the treasury from import duties, and that from the avails of the public lands. They would as readily distribute the one as the other among the several States. It does appear to me, that the lands, in the first instance, ought to bear the expense of their own purchase and management; and that, until they do this, the avails of the public lands are as all other money paid into the treasury—that we have the same authority to dispose of all that we have of a part.

We may grant lands or money for public improvements in the vicinity of other lands, owned by the United States; and this has been liberally done by Congress, and expended for cutting and grading roads for military purposes, or for the purpose of facilitating settlements. But whenever the lands have been taken up, and the country has become so much settled as that the inhabitants are able to make their own roads, the United States should make no more grants. I would even submit to have the lands, belonging to the United States, situated in any State, taxed as similar lands are taxed in the hands of individuals, if needs be. I would, at any time, at a fair price, sell out the lands to the States in which they are situated. I would, where it will at all facilitate settlements, reduce the price of public lands. I might even consent, as a matter of expediency, if the constitution would admit of it, by the common consent of all, to divide the lands among the several States, under regulations which should prevent improper speculations; but never would I place the public lands in a position tempting the cupidity of the several State Governments, and leading them to ask, as a favor from the General Government, what the General Government has no right to give.

It is said that, as the public debt has been paid, the National Government has no further occasion for the public lands; that as they were granted for the specific purpose of discharging the debt of the revolution, and that debt being now paid, the avails of the lands should go back to the several States. If the debt of the revolution has been discharged, how much have the public lands done towards it? They have scarcely yet paid the expenses of purchase and management. The revolutionary debt has been discharged by taxes drawn directly from the pockets of the people. Nay, sir, the debt has not yet been discharged: millions are yet to be paid annually to revolutionary pensioners, for which the people of the United States must be taxed if this fund is diverted from the treasury. And even when the last man of the revolution shall have paid the debt of nature, this land fund, until it shall make up the whole amount of revolutionary debt for which impost and other duties have been laid, will be as sacred a pledge to the public treasury for the discharge of that debt as it ever has been.

It is said, if some disposition be not immediately made of the public lands, the States in which they are located will claim and take possession of them; that they will be strong enough in Congress in a few years to appropriate them for their own benefit. Of this I have no fears. The new States of Ohio, Kentucky, and Tennessee are already with the old States in opposition to this project of the States taking to themselves all the lands within their limits; and it will be but a few years before Louisiana, Mississippi, Indiana, Illinois, and even Missouri, will have the same interest in preventing such a disposition of the public lands as have the elder States. Continue to dispose of the public lands within their borders for a few years, and each of these States will look to their interest in the vast regions of the West and North as of greater moment than what shall remain within their limits. There never will be danger of the new States uniting to wrest from the Union their property in the public lands.

It has been said in debate, [by Mr. CHAMBERS,] that this bill has been hailed in all parts of the country as a measure of justice, and that it "is a just and equal distribution." Just so far, and no farther, has this bill been applauded as the "American system," and the desire to keep up the duties on articles of consumption at the highest point have found favor. The Legislature of Vermont, in the fear that her iron manufactures will not be protected if an enormous duty shall not be continued on that article, necessary for the comfort and the sustenance of the poor as well as the rich, has passed resolutions in favor of this land bill. An attempt was made to steal through the Legislature of New Hampshire resolutions to the same effect the last evening of its last session; but the resolutions were voted out of the House by nearly two to one. The legislators of that State had not forgotten that their predecessors, so long as June 22, 1821, had resolved that "any partial appropriation of the public lands for State purposes is a violation of the spirit of our national compact, as well as the principles of justice and sound policy."

How "just and equal" the distribution by this bill is, may be gathered from the fact that seven of the Western States receive in cash nearly double the proportion of the old States. They come here to drive a great bargain. The "bounty" of the State of Mississippi, besides her advanced dividend in cash, is half a million acres of land—equal at least in value to six hundred and twenty-five thousand dollars. The State of Mississippi "thanks" the honorable Senator who framed the bill for giving her so much; yet Mississippi wants more, if the Senator, in the plenitude of his great kindness, will yield to her more: and what does not the measure owe to the State of Mississippi for the favor it has received in this House?[*] Surely, if Mississippi has been liberally patronized in the bill at the expense of her elder sisters, she has paid for it. I think it was said [by Mr. POINDEXTER] if this measure should be delayed three years, "the bargain to Mississippi would not be worth a brass farthing;" the best lands would, before that time, be all selected, and the remainder would not be valued at ten cents the acre.

Mississippi will have driven an excellent bargain for herself if she obtains the boon offered her by the bill the present year; if it be delayed three years, she will then be no better off than her sister States—the excellent Choctaw or Cherokee lands will then all be taken up. But what right has Mississippi to claim an extraordinary favor as to the lands? She does not admit that reducing the price of public lands will assist the poor; she says it operates not hardly on the new States that large sums are brought from them into the treasury from the sales of public lands—not worse upon them than if individuals came among them and purchased stocks of horses, cattle, or any thing else.[†] Yet she comes here to claim bounties over and above the other States, two to one in a dividend of cash proceeds of the public lands, and a setting out of half a million of acres of the best lands besides.

Gravely it is urged here that the abstracting of the nett proceeds of public lands from the treasury will make no difference in the amount of taxes on imports. I grant that it will not, if the splendid policy prevails which has been urged on us with so much vehemence during the present and the last sessions. There is no conceivable amount of taxes that will not be swallowed up, if not in bills for roads and canals, in harbor and light-house bills, and bills for the improvement of the navigation of rivers, or for the benefit of the District of Columbia. A hundred millions a year would scarcely suffice if all the expenditures asked for internal improvements shall be granted. A Virginia gentleman, not of this House,[‡] tells the Eastern members of Congress that our true policy is, "to keep the tariff as high as possible, and to throw off the whole treasury surplus on internal improvements." If this policy shall be adopted, I concede that three millions of dollars, the amount of the sales of the public lands taken from the treasury, will make no difference in the taxes on imports.

Mr. President, the sentiment and voice of the State I represent, as expressed by the present Legislature—and that is but the echo of the sentiment of her Legislature and Chief Magistrate[‖] in the year 1822—is, "that the constitution of the United States has not vested in Congress the right to adopt and execute, at the national expense, a system of internal improvements;" "that the tariff of duties on imports ought to be so modified, if possible, a due regard being had to all the interests of the country, that the receipts from them and the other sources of revenue into the treasury of the United States shall not greatly exceed the ordinary annual expenses of the Government."

"Protection of American industry"—"the protective system the settled policy of the country," and other cant phrases of similar import, are the talismanic words which have led on this Government to the verge of dissolution. If the onerous taxation imposed by the tariff laws of 1824 and 1828 ever can protect American industry, all the good is to come hereafter, for none of it has yet arrived. The effect of those two laws has been oftener to paralyze than to protect American industry. The true protection to American industry is to lessen as much as possible the expenses of the consumption of labor; and these expenses can be lessened in no way more effectually by the Government than by reducing the duties on every consumable article. When was there a time in which good workmen, as hatters, shoe-makers, saddlers, harness-makers, blacksmiths, carriage-makers, cabinet-makers, joiners, and all other trades requiring skill in those who work at them, and perform the chief of all the labor, did not meet with encouragement in this country? Has the business of any of these been bettered by a severe tariff? Some of them have had a protection of twenty-five or thirty per cent. by the late tariff laws; but nobody could see that they were any better off after than before such laws passed. They have undoubtedly been injured, in common with all the other producing classes, by severe taxation on their articles of consumption. A wealthy carriage-maker in Connecticut annually exports carriages to a large amount to Mexico, at a great profit; but his profits and the value of the labor he employs would be even greater if his carriages were not enhanced by the heavy duties on iron, lace, cloth, varnish, &c. which enter into their composition.

What is the intention of protecting the article of woollens? Is it not to shut out foreign woollens? Why do not the owners of manufactories encourage American manufactures, by their personal example? Are not nine out of ten of the rich manufacturers of the North clothed in British and French woollens? Are there less foreign woollens worn now than there were prior to the tariff laws of 1828? The only difference seems to be, that the poor and laboring people, who purchase all their woollen clothing, cannot obtain it as cheap in proportion as they do other articles. Is it any protection to a laborer who supports a family of children, that a yard of woollen flannel costs twice as much as it should cost? The protection which the great mass of the consumers, both North and South, most desire, is, that the tariff may be reduced to the exigencies of the Government; and this is the only "settled policy of the country" to which they will ever willingly submit.

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[*] Vide the speech of Mr. Poindexter, and his efforts in favor of the bill.

[†] Speech of Mr. Poindexter.

[‡] Mr. Mercer, of the House of Representatives.

[‖] Mr. Bell, now of the Senate.

Sir, the bill on your table has for its object a prevention of the reduction of the tariff; it is intended to create a necessity for continuing an amount of taxation on imports equal to the money divided. It comes before us at a time the most inauspicious; it is calculated to lash and exasperate the discontents of our brethren of the South, who are really oppressed beyond the people of the North so far as onerous and severe taxation on imports go to operate on them. So equivocal is this term "protection," when applied to our tariff, that it is really a matter of doubt whether the manufacturer or the consumer of the article manufactured is protected. At one time it is said that the article has been reduced in price by the competition at home, which the shutting out competition from abroad has encouraged. If this were true, why do we find all the prominent protected articles still imported? and if none were imported, what benefit does it create to the manufacturer? How can reduced prices protect him? We are told that if the duty shall be taken off, the price of the article will be raised. This is as much as to say that the duty taxed does not enter into the price of the article. If not, where is the protection afforded by the tax? To cap the climax of the absurd dogmas relating to "protection," it is said the manufacturers will be ruined by a reduction of those duties, which neither contribute to raise the price or shut out of the market the foreign article coming in competition with the articles they shall manufacture.

An idea seems to prevail, pretty extensively, that no essential interest of the country can be injured if the high tariff is continued on all foreign articles coming in competition with those which can be manufactured in our own country. This is a great mistake; for by so much as any particular article of manufacture is protected by the imposition of such duties, does the consumer of that article have money drawn directly from his pocket, without any equivalent whatever. If the duty does not shut out entirely the imported article, the whole amount of the duty enters into the price paid by the consumer; the price of protection is paid only to the country so far as it is paid on the imported article; the additional price paid to the home manufacturer is of no benefit whatever to the treasury, and, by a mere arbitrary act of legislation, takes the money from the man who has earned it, to give it to another who has not earned it. Such is the absurdity, the injustice of what is called the protective system. If it is in any degree the protection contended for by the manufacturers, certainly it is the most rank and foul injustice to those who are compelled to pay the bounty to the manufacturers; it is such injustice as fully justifies the South in protesting against the system, and such, being equally pernicious to their interests, as will bring down the consumers of the North to unite in prostrating the system.

But, from the best lights I have been able to obtain on this subject, I have good reason to believe that both the South and the North have been somewhat mistaken as to the extent of the operation of the tariff. As it thus far has notoriously failed to protect the laborers and mechanics employed in the manufactories; as neither the tariff of 1824 nor that of 1828 prevented the failure of nearly every small manufacturer at the North; as goods manufactured in foreign countries, and even wool raised in foreign countries, have been introduced into this country as extensively since those goods were protected by the high tariff as they were before; so it may be said that the tariff has not afforded that protection which had been promised by its friends. For the same reason has it neither operated so much to the injury of the South, who have not without apparent cause complained of it. The South has not been more injured, than the North has been benefited, by the operation of the tariff.

It is for the reason that this tariff system is a system of deception both to the North and to the South, holding out to the one a protection and advantage which they never realize, and seeming to oppress and injure the other beyond their ability to endure, that I am in favor of making the import duties on all imported articles as equal as possible, and of bringing all of them down to that lowest point at which an economical administration may place it. This is the American system which alone will restore harmony to the country; this is that "settled policy of the country" which ought now to be established, which the intelligent yeomanry of the nation will have established, and will not again soon suffer to be disturbed.

I have seen resolutions (introduced by A. H. Everett, late minister to Spain) which have just passed the Senate of Massachusetts, without debate, deprecating any diminution of the tariff—a Senate, every member of which is of one political party. These resolutions are from the same mint as have been other proceedings of the same party in that State, which were intended to break up the foundations of the Union. They falsely predict the "ruin and bankruptcy of thousands" of their citizens, if the tariff shall be reduced, and that the "whole prosperity of the country will be materially affected;" they say it will be improper for Congress even to consider of the subject, while South Carolina "threatens to secede from the Union," and that now to proceed to this subject would "wear upon the face of it the aspect of submission." They even go so far as to say that a reduction of the tariff would be such "a gross and palpable abuse of power in the Government, as would justify the States and citizens aggrieved by it in any measures which they might think proper to adopt for the purpose of obtaining redress!" Here is nullification threatened from another quarter, if Congress shall at this time dare to equalize the revenue system, so that it shall operate equally on all parts of the country, and bring down the tax on imports to the wants of the Government. The same resolutions mention the "unexpectedly large and satisfactory majority" by which the tariff bill of July, 1832, passed. The report which accompanies these resolutions says: "It (the tariff bill of last summer) was adopted by an unusually large and gratifying majority, composed of the moderate men of all parties;" that it was made with "much labor and caution;" that it "was constructed on the professed principle of compromise, with a view of satisfying, by every reasonable concession, the discontents of the South."

You must well recollect, Mr. President, the kind spirit of concession the "moderate men" exhibited when the tariff bill of last summer passed this House. Were we not then told—was not the Senator from Pennsylvania nearest me [Mr. Wilkins] then reproached from Massachusetts (by Mr. Webster,) with having secured protection for the iron of his own State, while, consenting to that small reduction on woollens which had passed the House of Representatives by a "gratifying majority, composed of the moderate men of all parties," he had forever prostrated the woollen manufactures of the North? Were not both the Senators from Pennsylvania [Mr. Wilkins] and New Jersey [Mr. Dickerson] who were on the Committee of Conference between the two Houses, accused of having deserted and betrayed the great manufacturing interests, by consenting to the bill as it had actually passed?

As a commentary on the ruin predicted of the woollen interest in Massachusetts, I will say, that on my way here I passed through that State. On an inconsiderable stream of water, since I had passed the year before, a canal had been dug, carrying the channel of water some hundreds of rods out of that which nature had formed; a brick edifice, some hundred or more feet in length, and three or more stories high; a large brick store, (full of goods,) and other buildings, had just been erected. I was surprised to find that this new and extensive establishment, erected principally since the Senator from Pennsylvania had "betrayed and sacrificed the woollen interest" of the North, was a woollen establishment, and was owned by a gentleman or gentlemen of Boston, who understood their own interests quite as well as the gentleman who represents their interests on the floor of Congress. The owners of this extensive factory were well aware not only that the duty on woollens had been reduced, but they knew that the general sentiment through that part of the country was, that woollens must and would be further reduced. All this did not prevent them from investing their capital in a new and extensive woollen establishment. They will tell you they had rather the duties on woollens would remain as they are; but, if they be candid and ingenuous men, they will likewise admit to you that a substantial permanent protection of twenty or twenty-five per cent. duty will be quite as sure a protection as a protection of fifty per cent. operating as a bounty on smuggling, and actually bringing millions of foreign woollens into the country without the payment of any duty whatever.

I have noticed the resolutions of Massachusetts to show you that we have a class of men at the North who not only act in a spirit calculated to goad on the South to resistance and civil war, but who are ready now, as they were in the days of the Hartford Convention, to justify "any measure which they may think proper to adopt for the purpose of obtaining redress," and who would actually place the country in that dilemma, where to take any step will bring down upon this Government the vengeance of one or other section of the Union. It seems to have been the design of the ultras on both hands--and in this, up to the present time, there has been a wonderful concert—that nothing should be done calculated to soothe and satisfy the country.

Mr. President, the bill under consideration is intimately connected with the tariff. The people of the North, a large majority of the people in the State which I represent, abominate that system which makes an increase of the public burdens indispensable; they do not want such protection as can be given them only at the expense and to the injury of others. They had rather see their large manufacturers come down to a level of the lowest protected interest, than to see the Union endangered by the imposition of unequal burdens. They will support now, as they supported during the embargo and war, the revenue laws; they will not consent that South Carolina now, any more than Massachusetts in 1809 and 1815, shall nullify the laws. They will disdain to be bribed into high taxation by an annual douceur to their State treasury, for granting which, in the spirit of vassals, the several States will be bound to "thank" and kiss the hand that bestows it.

For myself, Mr. President, I had rather the few thousand dollars which I possess in a manufacturing establishment should be sunk to the bottom of the sea, than to see —not the Union rent in twain, for that "must and will be preserved"—but a spirit of hostility between the different sections of the country engendered and perpetuated in the repeated attempts of the stronger to take advantage of the weaker. To the threats of any State holding herself in a menacing attitude towards this happy Union, believing, as I may, that she has been impelled by politicians whose motives are any thing but commendable, I would not yield an inch; so neither would I be prevented from prosecuting a course of right and justice to other patriotic States, because such a process would disarm the refractory even of a pretext for doing wrong. The bill for dividing the proceeds of the public lands, inasmuch as it will furnish occasion for continuing millions of taxes on imports which might otherwise be dispensed with, inasmuch as it is one of the means to keep up a system calculated to promote public discontent, and even threatens bloodshed and civil war, has my decided disapprobation.

Mr. MOORE moved that the Senate do now adjourn.—Lost—yeas 16, nays 23.

Mr. BUCKNER then moved to postpone the further consideration of the bill until to-morrow, in order that the Senate might proceed to the consideration of executive business. Also lost—yeas 17, nays 24.

Mr. MOORE, of Alabama, then said, that having on a former occasion given his views in opposition to the original bill, and in favor of the principle embraced by the amendment under consideration, he should not have thought it necessary to submit any additional views at this time, except for the very wide range and extraordinary course which had been pursued in the prosecution of this discussion; and even now, said he, I would not think myself excusable, were I to occupy more than a few moments of the time of the Senate.

But (said Mr. M.) there have dropped from gentlemen on both sides of this question some pointed remarks, in reference to the position which the new States occupy, connected with it, which I think deserve a passing notice.

The honorable Senator from Tennessee, [Mr. GRUNDY,] who, upon this, as upon other occasions, has made an able effort, and addressed to the Senate an argument, which, in the main and general, I heard with great pleasure and satisfaction, yet, I think, in that portion of his argument predicated upon the supposed demand made by the new States for the surrender of the public domain within their limits, he has been disingenuous, and done great injustice (unintentionally, I have no doubt) to the State which I have the honor, in part, to represent. [Here Mr. GRUNDY rose and asked leave to explain, and stated that he had no design to apply his remarks to the State of Alabama particularly.] I am aware (said Mr. M.) that the gentleman's remarks were general; similar remarks have been made by others, and I have thought it my duty to exonerate the State from any censure cast upon her from any quarter. Upon a former occasion, I expressly disclaimed, in behalf of my constituents, any such views or inclination whatever; it was, therefore, with regret that I heard this expression of censure from several gentlemen for this supposed heresy.

Mr. President, this measure has been characterized by others as intimately connected with the miscalled American system. True, this has been denied, and pains taken to show it has no such connexion. But I am compelled to think we have great reason to believe the position to be well founded, though much labor has been bestowed to disguise its true character. Sir, it proposes to continue the same rate of taxation (for I can call it by no other name) as regards the public lands, upon seven of the new States, for the purpose of raising annually three millions of dollars to be distributed among the whole twenty-four States; and by a ratio which does great injustice to the new States, notwithstanding the outward show of liberality it exhibits.

Sir, I object to the terms of distribution. Why adopt the arbitrary ratio of representation in the popular branch of the National Legislature? Why not say that each State shall have an interest in this fund according to their representation on this floor? This would not do more than equal justice to the new States, who, having been recently admitted into the federal family, are more destitute of means and resources, and of course have more claims upon the General Government for that liberality which a dutiful offspring would have a right to expect from a benign parent.

Mr. President, I must be permitted to say, that I think the opposition to the liberal provisions in favor of the new States come with a very bad grace from the quarter in which it has emanated. It emanates from a quarter from whence there have been no liberal contributions to what gentlemen have been pleased to call "a common stock," while Georgia has transferred to the United States a territory, out of which two of the new States, and magnanimous Virginia that out of which three or four of the new States, have been composed.

Sir, much importance has been attached by certain gentlemen to the pecuniary advantages which the new States will derive from the passage of the bill as originally reported. To my mind, this is altogether illusive and deceptive; for the little benefit the new States would receive from this distribution would be a very poor compensation and a contemptible consideration for the continual drain and eternal draw which will be made upon them for such large sums of their circulating medium, to which there will be no end if our sister States become interested. One of the greatest evils the new States have complained of, has been this means of robbing them of all their circulating medium, through the land offices, into which it is paid, and transferred from thence into the public treasury here; but, sir, pass this bill, and my constituents will be fortunate if they are not sued by those who will then claim an interest in our soil in actions of ejectment, trespass, &c., for various offences, even for cutting down a timber tree, or bee tree, which they do not hesitate to do, whilst this domain belongs to our Government, with impunity.

My constituents have presented no application here for any portion of the public revenue for the purposes contemplated by the bill. Sir, they wish the waste and unappropriated lands settled; they wish to count soldiers, citizens, and freeholders, in the place of barren and steril acres of public land; they think it is better for a community to boast of a free, a happy, and brave people, than to boast of millions of acres of land, or millions of dollars in the treasury, for which there is no demand, and which, in all probability, will be appropriated to illegitimate and unconstitutional purposes. Sir, those whom I have the honor to represent believe the prosperity of a nation to exist in the happiness of its citizens; and its strength, in a great measure, in the firm attachment of the people to the Government under which they live; and we believe the proposition we support is best calculated to promote these beneficent ends.

Again, sir: I am averse to a measure which is designed to place my constituents in a partnership transaction, which will require them to furnish all the capital stock, and receive only five shares; while another partner, Pennsylvania, for instance, will receive twenty-eight shares, and New York forty shares, out of the proceeds of this transaction. Sir, there are too great odds and advantages against us in this concern.

But we are called upon "to say whether we want the public lands given away, in order to promote our population?" Sir, this is not our proposition: but I will say that I would, with great cheerfulness, support a proposition that would give every citizen who is destitute one-quarter section of land, on the condition that he would cultivate and improve it; and I have no hesitation in declaring this policy is founded in prudence and wisdom. Other Governments have pursued it to great advantage. No other Government except this has ever made the public domain a source of revenue; and surely we have as much inducement to be liberal to our pioneers and hardy sons of the forest as any other Government on earth. If we had pursued a policy like this, it would have given a more dense population on the frontier, by which facilities would have been afforded in the transportation of troops and the munitions of war, support of the troops, &c., and would have saved much of the treasure which this Government incurred, during the late war, in its prosecution. It would have saved also much of that million of dollars recently paid for subduing the hostile Indians on our northwestern frontier, by the strength in the increased population which would have been attached to that point; and what is more, it would have saved some of the lives of our valuable fellow-citizens who have fallen victims to their cruelty.

But we are required to furnish evidence "that the price of the public lands is too high, and ought to be reduced."

Sir, is it not notorious that our citizens are leaving our territory daily, and going to a neighboring province, where they obtain better bargains, and where there are greater inducements to emigration? And is it not also a fact equally well known, that your table is now groaning with memorials and petitions from citizens of the new States, and from the General Assemblies of the new States, asking the reduction and the gradnation of the price of the public lands? And is this no evidence?

But this is not all. In 1828, under a call made by the honorable Senator from Missouri, [Mr. Benton,] upon the proper department, your public officers were required to furnish a statement showing the quantity, quality, and average value of the unsold and unsaleable public lands, the length of time they have been in market under our own laws, or subject to be given away by foreign sovereigns. This duty has been performed under official responsibility, in a response which contains much important and interesting information. Sir, we have heard the result from the Senator from Mississippi, [Mr. Poindexter,] as regards that State; it shall be my province to recite some of the most important results connected with the State of Alabama only. And, Mr. President, I will venture the opinion that you, sir, will not be a little surprised at a portion of this information. Would you believe it, sir, that a portion of this public domain, which gentlemen estimtae so high, has been offered for one hundred years by foreign sovereigns to their subjects as a gratuity, annexing no other condition except that they should inhabit and cultivate it; and after having been picked and culled for this length of time, under these favorable conditions, it has been in market under our own laws at the minimum price of one dollar and twenty-five cents for twenty years longer? I allude to the lands in the St. Stephen's land district. And yet "this is no evidence that the price is too high." Again, sir: from this document it appears that out of the entire aggregate amount of thirteen millions of acres, (I do not notice fractions,) only six hundred thousand are deemed of the first quality. And the average value of this has been estimated at forty cents per acre; the remainder of the thirteen millions of acres, including every acre from all the other land districts, (four out of five,) have been put down as of the 2d and 3d quality, and the average value at five cents per acre; and some of this has been in market for twenty-two years. And yet, sir, we are told "these refuse lands ought not to be reduced in price."

Sir, if these facts fail to inspire faith, I fear gentlemen would not believe though an angel were to descend from heaven and record its truth.

But, Mr. President, one word in reply to some of the arguments of the honorable Senator from Ohio, [Mr. Ewing,] who "deprecates the passage of this amendment, as being calculated to produce ruin and incalculable mischief in its immediate effect, in producing a depreciation of all the real estate in the country."

Sir, I recollect in 1819—'20, when the bill, having for its object the reduction of the price from two dollars to one dollar and twenty-five cents, was pending before Congress, a certain combination of individuals in the country in which I live, consisting of moneyed capitalists, usurers, some who then held appointments in the land office, land speculators, and the Shylocks of the country, who had engrossed large quantities of the best land, and driven the honest farmers in many instances from the places they had selected as homes, and which they had rendered valuable by their own labor—these, and these alone, were the men who then denounced the passage of the bill to which I have referred; they denounced it as being calculated to depreciate the value of all the real estate, and even went so far as to say "it would be a palpable fraud upon those who had purchased under the two dollar system." Nevertheless, Congress in their wisdom passed the bill, and it received the universal approbation of all the honest and farming class of the community. So it was with the forty acre law; this was repudiated by some of the same class of men, but no act connected with the land system has given more general satisfaction. And so it will be if we can succeed in maturing and obtaining this measure; it will be hailed by all the real yeomanry of the country as promotive of their best interest and that of the community. I speak particularly with reference to the section of country from which I come.

But, sir, if it would not be deemed arrogant, I would submit it to the honorable Senator from Kentucky, [Mr. CLAY,] and the honorable Senator from Ohio, [Mr. EWING,] whether, in opposition to our amendment, they do not strike a fatal blow at the most important interest of their constituents? Sir, it is admitted on all sides that this amendment is calculated to encourage emigration to the new States; that it must throw a great influx of population in the Mississippi valley; in fact, one of the grand objections urged against it is, that it will invite a population from the North and from the East, and transfer that population to the West and Southwest. Well, sir; is it not obvious that, in the same ratio in which you increase the population in this quarter, you open here new and additional markets for the surplus produce in which these States abound? Surely, sir, these honorable gentlemen are fully as unfortunate in not being able to discover their own interest, as they have heretofore imagined we were destitute of the forecast sufficient to discover the blessings we were to derive from their favorite and most sacred measure—the tariff. Mr. President, it will not be denied that much of the surplus productions from the grain-growing States find a ready market among my constituents; their horses, mules, pork, bacon, salt, flour, whiskey, and cotton bagging, upon which we are compelled to pay a tax amounting to protection and bounty. But, sir, to the citizens in the Mississippi valley, where they have water transportation down stream all the way, the constituents of these honorable Senators are indebted not only for a market for such articles as I have enumerated, but for every thing that is eatable, even potatoes, chickens, turkeys, &c.; and yet they deprecate a measure calculated to increase the population in this quarter. Surely, sir, this must be a short-sighted policy.

But it has been intimated "that our system will apply with as much propriety to a flour seller as to the land system."

Well, let us try the case: Suppose one of the honorable Senator's constituents owns a large quantity of flour, say some six or eight boat loads; he gets on board of one a supercargo, and it is shipped to market; he immediately sells out all of the first quality at an advanced price; but having sold this, he finds he cannot sell the inferior at the same price; would the honorable Senator advise his constituents to hold this up for "future generations," because it will not command the price at which he has been fortunate in selling that of the first quality? I presume he would not. So, in this case; the Government is a large landholder; has sold out all of the first rate land to the most wealthy class of her citizens; these will not purchase inferior lands, because they do not wish to cultivate such, and because they know they are not worth the same price at which they have purchased lands of the first quality. But there are a large number of our fellow-citizens, who, though poor and indigent, are worthy and respectable; these have not been able to purchase the high priced lands, but are able and willing to purchase the inferior, provided you will put the land at a price corresponding with its quality and value, and also corresponding with their ability to pay. Now, I am of opinion it is both the interest and duty of the Government to sell its inferior lands to its citizens of this description upon the terms proposed, and thereby give them a permanent interest in the country; as much as it was the interest of the flour merchant to reduce the price of his inferior flour in order to get it off his hands.

But, Mr. President, what has been the example of other States who have sold their public domain? Have they adopted the means calculated to screw from their citizens the last possible cent for them, or have they not pursued a more just and liberal policy? Kentucky, sir, so much celebrated for the fertility of her soil, (and justly, too,) sold her public lands to her citizens at forty cents per acre, and I am now told even lower than this. Tennessee began at twenty-five cents, and graduated first to twelve and a half, and then down to one cent. And strange, Mr. President, to tell, sir, even the State of Maine, whose citizens enjoy all the rich blessings which flow from the protecting principle, has sold her public domain to her own citizens as low as three cents per acre, notwithstanding her representatives think the pine barrens, marshes, swamps, &c. which have been picked and culled for twenty-two, and some for one hundred and twenty-two years, are worth one dollar and twenty-five cents. We doubtless ought to acknowledge some obligations to gentlemen for entertaining so exalted an opinion of the value of our lands, and the ability of our citizens to pay for them.

Mr. President, we are purely an agricultural people, doomed to suffer under the influence of that system imposed upon us by (I will not say "a mercenary majority," because gentlemen take exceptions to that term, but I will say by) an unkind, an ungenerous, and a tyrannical majority: which system transfers the burdens of the Government to us, and all its favors and blessings to our opponents, and demands of us to pay them a bounty, a protection, for every thing we either drink, eat, wear, or use in our agricultural pursuits. We appeal to their justice, liberality, and magnanimity, now that we present a fair subject for legislation, when they have an opportunity of mitigating and alleviating our burdens somewhat, "to do unto us as they would that others should do unto them."

No one else now rising to address the Senate,

Mr. FORSYTH asked for time to send for his colleague before the question was taken.

Mr. MANGUM moved that the Senate now adjourn.

The yeas and nays being ordered on the call of Mr. CLAY, the question was put, and decided in the negative—yeas 20, nays 21.

Mr. MOORE asked if it would be in order to move a call of the Senate.

The CHAIR stated that he had never known an instance of a call of the Senate when there was a quorum present.

Mr. CALHOUN moved that the Senate now adjourn. but the yeas and nays were asked for by Mr. CLAY, when Mr. CALHOUN withdrew his motion.

Mr. CLAY said that if there was a general understanding that the question should be taken to-morrow, he would himself move to adjourn.

And the Senate adjourned.

THURSDAY, JANUARY 24.

PUBLIC LANDS.

The Senate again proceeded to the consideration of the bill to appropriate, for a limited time, the proceeds of the sales of the public lands, &c. The question being on the motion of Mr. POINDEXTER to amend,

Mr. BENTON rose in opposition to the bill. He commenced by asking for the reading of the following passages from the last annual message of the President of the United States:

"Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present constitution, it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted; and, at different periods of time, the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. In examining this question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of their common country.

"It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the republic. The wealth and strength of a country is its population, and the best part of that population are the cultivators of the soil. Independent farmers are every where the basis of society, and true friends of liberty.

"In addition to these considerations, questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new States and the powers of the General Government; and, unless a liberal policy be now adopted, there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest, when brought into full action, will be found more dangerous to the harmony and union of the States than any other cause of discontent; and it is the part of wisdom and sound policy to foresee its approaches, and endeavor, if possible, to counteract them.

"Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the National Legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty, on this occasion, to urge it upon your consideration; and, to the propositions which have been heretofore suggested by others, to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

"It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers, in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that, in convenient time, this machinery be withdrawn from the States, and that the right of soil, and the future disposition of it, be surrendered to the States, respectively, in which it lies.

"The adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have, in the progress of our Government, for the lands they occupy, paid into the treasury a large proportion of forty millions of dollars, and, of the revenue received therefrom, but a small part has been expended amongst them. When, to the disadvantage of their situation in this respect, we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy, after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end forever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

The reading being finished, Mr. B. proceeded to address the Senate in support of the views presented by the President, and in opposition to the scheme of distribution contained in the committee's bill. He should commence his speech, he said, by exposing and correcting an error of most enormous magnitude, as he termed it, into which the Senator from Maryland [MR. CHAMBERS] and the Senator from Mississippi [MR. POINDEXTER] had each fallen with respect to the President's plan for disposing of these lands. They had supposed that there was no difference between the plan of the President, and that of the committee, so far as the amount of future revenue was concerned; that both plans proposed to strike the lands from the revenue system, and that it was immaterial, in that point of view, which of them should be adopted. Mr. B. undertook to affirm, and would quickly prove, that this supposition was a grand mistake; that there was a palpable difference in the words of the two plans, and an immense difference to the revenue in their results. He stated the words of the President, which, he said, were to sell the lands at prices which would reimburse the treasury for the expenses of managing them, and defray the cost of purchasing them from the Indians; the committee's plan was to divide the whole proceeds of the land sales without first deducting the amounts expended under these two important heads of expenditure; the difference between the two plans would be in truth and reality about two millions, but in practice at least three millions, and probably six.

Mr. B. took up the printed estimate of appropriations for the service of the year 1833, and referred to pages and figures to justify his statement. At page 43, the sum of $250,000 was estimated for surveying the public lands; at the same page the sum of $49,654 for surveyors general, and their clerks; at pages 7 and 8, the sum of $62,658 for the general land office in this city. The compensation to the registers and receivers, about one hundred in number, was not taken into the estimate, but was easily calculated. Their salaries, at $500 each, would be $50,000; their commission, at one per cent. each on three millions of dollars, would be $60,000; and their per diem attendance on the public sales, at $6 per day each, would be $——— more; in all, about $480,000 for the expenses of administering the land system alone; and this expense on the increase, from the annual establishment of new land offices. The other head of expenses related to the acquisition of the lands, under treaty stipulations, from Indians; and stood thus: For annuities, and various treaty stipulations, $392,862; for removing and subsisting the Indians from the lands they had ceded within the limits of the States to their new homes west of the Mississippi, the sum of 474,000 dollars. These two items make 866,862 dollars, and are found at page 45 of the estimate; but since that was drawn up no less than eleven new treaties had come, adding $110,000 per annum to the annuities and other standing charges, and requiring about $430,000 for other immediate payments to be made this year. These united sums would be about $1,400,000, and this exclusive of the expense which might be incurred during the year in holding treaties with the Indians for further purchases of their lands. Mr. B. said that he had shown an expenditure of about two millions payable on the management and acquisition of the public lands for the present year, and that without going into any of the far-fetched charges which the Senator from Mississippi had supposed must be brought in to make up this amount, as he had mentioned it on a former day. He had not included the expense of the Indian Department, an item of $145,300, for what might be called the diplomatic intercourse of the United States with the Indians, in keeping up commissioners, superintendents, agents, sub-agents, interpreters, making presents for good-will, defraying expenses of visits to military posts and the seat of Government. He had included nothing but what strictly and rigorously occurred under the treaties for purchasing the lands from the Indians, and managing them; this amounted to two millions of dollars for the present year, and could not be much less for many years to come, as many of the annuities were permanent; others had fifteen to thirty years to run, and the expense of new treaties was not yet done with. This amount, or whatever it might be, more or less, the President intended should be paid out of the proceeds of the sales of the public lands; the bill under consideration proposed that the proceeds of the land sales should be divided, without first deducting these expenses; that they should be thrown upon the custom-house. And here resulted a real difference of two millions to the revenue in the results of the two plans.

Mr. B. held two millions to be the difference in truth between the two plans, but that the difference in fact and practice would be infinitely greater; and he went into proofs and statements to show that this practical difference would certainly be three millions, and probably six. That it would be three millions at least, he showed to be admitted and declared by the Committee on Manufactures, who brought in the distribution bill, and made the report in its favor at the last session. That committee assumed three millions of dollars to be the annual product of the lands; and going upon the assumption, whether true or false, that three millions were to be abstracted from the revenue for distribution, the high tariff party, who had still the federal legislation in their hands, would take care at all events that three millions of duties on imposts should be retained to supply its place. This they would do upon their avowed principles, without concealment or disguise; but what they would do in reality may well be inferred from a knowledge of their policy, and from the declarations made on this floor, in the discussion of this bill, that the proceeds of the lands in a few years will be six millions, and in a few more twelve millions. These six millions and twelve millions are then the sums which the high tariff gentlemen will fix their eyes upon as coming from the lands, and consider as the measure of the corresponding amount which must be kept up on duties.

Having shown that upwards of two millions of dollars would be payable this year on account of the management and acquisition of the lands, Mr. B. proceeded to compare it with the amount receivable from the lands, and argued that this amount would not be sufficient to meet the expenses upon them. The average receipts of the public lands, from the opening of the sales, had been about a million—say forty millions in as many years. Twice in that time they had risen to three millions, and had immediately afterwards declined. In 1819 they were at three millions, and in three years afterwards at less than one. Two years ago they were at three millions, last year at two; this year unknown, but estimated at two. The average of the last ten years is about a million and three quarters; and when it is considered that there are but few new lands to come into market, that the mass of what is now upon hand is the refuse of ten, twenty, fifty, and even a hundred years' picking under the sales and entries of the United States and the donations of the Kings of France and Spain, it cannot be expected that future sales, unless the price is graduated to the quality, so as to bring the inferior lands into market, will equal those which are past, or pay the expenses fairly chargeable on the lands. A reduction of the price, so as to bring the inferior lands into market, is absolutely necessary to make them pay their expenses; and this is precisely what the President has recommended. He proposes to sell their lands for prices which will reimburse the Government for its expenses; and this is all they ever did do, and more than they will hereafter do unless the price is reduced.

To put this question in a still more convincing point of view, to vanquish all opposition to the President's plan, to show the enormity of the policy which would quarter the lands and the Indians upon the custom-house, and to satisfy every candid man that the lands ought to defray the expenses of the treaty stipulations which they had created, Mr. B. said he would take an inside view of a pair of those treaties—one from the South and one from the North—and show the amount of the charges which they had brought upon the Federal Government, and the cause for which these charges were incurred. He alluded to the States of Mississippi and Indiana—States in which recent treaties for the acquisition of Indian lands had been made, and from each of which States there was one Senator who had heretofore advocated the policy of throwing the expenses of these acquisitions upon the custom-house revenue. He took first the Choctaw treaty, made at Dancing Rabbit creek, in September, 1830; a treaty made exclusively for the purchase of land, and for which the United States had agreed to give: 1st. An annuity of $20,000 for twenty years, which was $400,000: 2. To pay for the education of forty young Choctaws for twenty years, which was now costing the United States $9,100 per annum, making the sum of $182,000 for the whole time: 3. To pay $2,500 a year for twenty years for schoolmasters in the nation, making $50,000: 4. To defray the expenses of removing the nation (19,000 souls) to their new homes west of the Mississippi, $475,000: 5. To furnish subsistence to the nation for one year after removal, at an expense of $608,000. 6. To furnish uniform dresses and swords to ninety-nine chiefs, and pensions to the principal ones, say $40,000. 7. To furnish 2,100 blankets, 400 looms, a rifle and hunting equipments to each warrior; say $15,000: 8. To pay for Choctaw cattle, $12,000: 9. To furnish blacksmiths, millwrights, axes, ploughs, hoes, wheels, cards, iron, steel, &c. &c. for sixteen years, the amount not known; and, in addition to all this, to allow about 1,400 reservations to be selected out of the ceded lands, and sold by the Indians for their own benefit. This treaty, Mr. B. repeated, was made in the fall of 1830; the Indians were to commence removing the next fall, and complete their emigration in three years. They were, therefore, not yet out of the ceded country, and almost the whole of the stipulated payments remained yet to be made by the United States. Was it right—he put it to the candor of the Senator from Mississippi [Mr. POINDEXTER] to answer the question—was it right to throw the burden of this expensive treaty upon the custom-house revenue, and take the money which would be received for the lands to be divided among the populous States of the Atlantic sea-board? He [Mr. B.] apprehended that the ceded territory, after deducting the reservations, paying the treaty stipulations, and the expenses of surveying and selling, would never reimburse its cost; still it ought to be bound for the cost as far as it would go, and was actually so bound; for the eighteenth article of the treaty contained a lien upon the land for its payment, and a stipulation against any construction of the words of the treaty to the prejudice of the Indians.

The treaty of the last summer with the Pottawattamie Indians for lands in Indiana was next examined by Mr. B. He said it was purely and simply a sale of land from that tribe to the United States; and, in consideration of that sale, the United States became bound as follows: 1. For the three additional annuities to the different bands of the tribe; one of $20,000 for twenty years; one of $15,000 for twenty years, and one of $15,000 for twelve years, making the whole sum to be paid in annuities $933,000. 2. Assumption of debts to traders, $117,000. 3. Delivery of merchandise to the value of $247,000. 4. Stipulations for education, farming implements, mills, pensions to chiefs, iron, steel, salt, expenses of removal, &c. &c., to an amount which cannot now be ascertained; and, 5. In addition to all this, reservations to the extent of two hundred and seventy sections of land, (175,200 acres,) which would doubtless be taken out of the best of the ceded territory, and greatly diminish the value of the cession. The Senator from Indiana, best acquainted with the value of the ceded territory, [Mr. TIPTON,] frankly declared to the Senate, when the treaty was under consideration, that the land was not worth the money to be given for it. The Committee on Indian Affairs was of that opinion, and in a moneyed point of view—as a bargain between the United States and the Pottawattamies—would have advised its rejection. But the State of Indiana was concerned; and to relieve her from the presence of an inconvenient population, to allow full scope for the extension of her laws and the spread of her own population and improvements, the treaty was reported for ratification. Here, then, was another acquisition of land which can never pay its own debt; and Mr. B. put it to the candor of the Senator from Indiana, who had favored the distribution bill, to say whether it was right that this disadvantageous treaty, thus solely ratified for the benefit of his own State, should be thrown upon the customhouse, to aid in keeping up a high tariff to inflame and exasperate the South?

Mr. B. went on to say, that these two treaties, the contents of which he had just examined, were fair specimens and accurate averages of the treaties which had been made for several years past with the Indian tribes east of the Mississippi. The time had gone by when William Penn purchased domains for a few beads and blankets; the time had gone by when this Federal Government instructed its commissioners to allow but a cent an acre for the land which they purchased from the aborigines; the time had gone by when the United States was a land speculator upon the Indian tribes; the tables were turned, and the Indians were now speculators upon the United States. Within the last ten or a dozen years a new state of things had sprung up; a morbid sensibility to Indian wrongs had been excited; missionaries had gone among them to stimulate excessive appropriations for schools, of which they would have the application, without accountability to the United States; politicians had encouraged them to resist the jurisdiction of the States; and then princely revenues must be given to them to induce them to go off quietly and avoid the conflict. These causes had enabled the Indians to have what they pleased for their land; and they had generally pleased to have a great deal more than it was worth. So notorious and inveterate had this spirit become, that the present administration had found it cheaper and more economical to become the trustee rather than the purchaser of Indian lands; to receive their cessions in trust, to be sold for their benefit, turning over the whole proceeds to them, with the deduction of expenses, rather than go on in the old way of buying and selling for profit. On this plan a treaty had just been concluded with the Chickasaw Indians; and as it was an era in our Indian intercourse, and exhibited this administration in the high character of renouncing the character of land speculator on Indians or white people, and had been communicated to Congress in the report of the Secretary of War, (Gov. Cass,) he would ask for the reading of so much of the Secretary's report as related to it.

The Secretary of the Senate then read as follows:

"General Coffee has succeeded in concluding a treaty with the Chickasaws, which will lead to their location in the West. The basis of this treaty is different from any heretofore assumed in our negotiations with the Indians. The whole value of the country ceded is assigned to the Chickasaws, and the United States become, in fact, trustees to make the necessary arrangements for their benefit.

"It is stipulated that the ceded territory shall be surveyed and sold, and the whole proceeds, deducting only the actual expenses applied to the various objects enumerated, connected with the temporary subsistence, removal, and permanent establishment of the Indians. A residuary fund is to be vested in some productive stock, and the income to be annually appropriated for the public and private objects stipulated in the treaty. A country for the residence of the tribe is to be procured by themselves, and it is probable they will be able to make a satisfactory arrangement for that purpose with the Choctaws, a kindred people, who are in possession of a much larger district than is required by their numbers.

"No pecuniary benefit will result to the United States from this treaty, but, should it be ratified, it will constitute an important era in our Indian relations. It will probably lead to the establishment of the principle, that, in future cessions of land, the full value shall be secured to the grantors, with such deductions only as may be necessary to carry into effect the objects of the treaties. The advantages to be derived by the United States from these arrangements will be limited to the removal of the Indians from their present unsuitable residences, and to their establishment in a region where we may hope to see them prosperous, contented, and improving. And it cannot be doubted but that a course so consistent with the dictates of justice, and so honorable to the national character, would be approved by public sentiment. Should we hereafter discard all expectation of pecuniary advantage in our purchases from the Indians, and confine ourselves to the great objects of their removal and re-establishment, and take care that the proceeds of the cessions are appropriated and applied to their benefit, and in the most salutary manner, we should go far towards discharging the great moral debt which has come down to us, as an inheritance, from the earlier periods of our history, and which has been unfortunately increased, during successive generations, by circumstances beyond our control. The policy would not be less wise than just. The time has passed away, if it ever existed, when a revenue derived from such a source was necessary to the Government. The remnant of our aboriginal race may well look for the full value, and that usefully applied, of the remnant of those immense possessions which have passed from them to us, and left few substantial evidences of permanent advantage. One great objection to a removal, which has been urged by the most discreet Indians, and by many of our citizens, who are honestly seeking their improvement, is the prospect, judging by the past, that their location west of the Mississippi would be temporary, as they would be soon pressed for new cessions, and would yield, as they have heretofore yielded, to successive applications for this purpose. Although the nature and objects of their removal, and the spirit of the act of Congress which introduced the system, are opposed to such attempts, still the apprehension is entertained, and has proved injurious. Probably no course would better satisfy them upon this subject than the introduction of a principle, which would secure to them the full value of the property, under all circumstances; thus lessening the probability, in their view, of any wish on our part to acquire it, and insuring on theirs, if not the power and disposition to retain it, at least the means of converting it to the greatest advantage."

Mr. B. resumed. He held this arrangement with the

Chickasaws to be the best for the United States which had been made for years past with Indians east of the Mississippi. He held it better for the State of Mississippi itself than any that had been made, or could be made, upon the old principles; that it would promptly give to the State all the land within the limits of the treaty for taxation and settlement, and that at graduated prices, adapted to the real value of the various qualities, from richest to poorest. But this exposition was foreign to his purpose. He had asked the reading of the Secretary's report for the purpose of showing that there were to be no more speculations in lands, neither by the Indians on the Government, nor by the Government on its citizens. Formerly, the Government speculated on both; of late, the Indians have got the upper hand; the white people alone were still the victims of speculation to their Government; but this treaty with the Chickasaws, and the new line of policy which it opens, will save the citizens from speculation. The Government will no longer have any interest in the sales; the Indians will sell, and sell quickly, for what the land is worth—for what it will bring—to save the payment of taxes, to acquire a fund to be invested in stock which will yield an annual interest; while the unsold lands will yield nothing, would rise nothing in value, and would suffer from depredations on the timber, which no laws, courts, or agents could prevent.

Mr. B. showed how vain were all the calculations upon the public lands as a source of revenue, or as a fund for distribution. He reminded the elder Senators of what they had heard from an eminent statesman from New York, [the late Mr. RUFUS KING,] that the public lands ever had yielded any revenue to the Government; and of the declaration of another eminent statesman, [Mr. MACON, of North Carolina,] that the public lands would be a curse to the Government, and appealed to the whole body of the Senate to say if they were not, at that moment, feeling the truth of both sentiments. No revenue had been derived from the lands in the forty years that Indian titles had been extinguished for a trifle, and the first choices of the lands to be sold; now the Indian titles cost more than the lands were worth; nearly all the new lands were gone; the refuse of innumerable pickings and cullings remained alone to be sold; and the extraction of revenue from them had become as chimerical and ridiculous as the philosopher's attempt to extract sun-beams from cucumbers. The thing was impossible before the new system was fallen upon of receiving the lands as trustee for the Indians, and selling them for their benefit. This new system put an end to the idea of revenue or distribution. It extinguished the bill before the Senate. It left nothing for it to feed upon. It cut it up root and branch. The President was right. His views were wise, patriotic, and statesman-like. He was for settling the new States. He was for multiplying the yeomanry of the country. He was for elevating every cultivator of the soil to the noble and independent rank of a freeholder. He considered freemen as the greatest riches which the country could possess. He was for using the public land paternally, beneficently, wisely, patriotically, as every Government upon the face of the earth, except that of the United States, had always used its vacant soil, by dealing it out cheaply and liberally to settlers and cultivators. For this he was denounced by some, but he would be blessed by others. Millions of voices will rise from the forests of the West, and crown him with honor and gratitude, while the curses of those who want to wring money from the hard hand of the farmer, to divide it among themselves, will be lost in the acclaim of universal benedictions.

The view of the case which he had taken, Mr. B. thought, ought to be conclusive of the fate of the bill, and cause its decisive rejection. He had made it clear, as he hoped and believed, that the President's plan was right; that all idea of profit from the lands ought to be given up; that they ought to be sold to settlers for reimbursing their cost and expenses to the Government; that it would take all they were really worth to do this; that reduced prices, so as to bring the inferior lands into market, were necessary to enable enough to be sold to pay the cost and charges upon them; and that it was the height of injustice and impolicy to take the proceeds of the lands for distribution, without deducting their expenses, and to throw the lands and the Indians upon the custom-house, preventing a reduction of the tariff, and inflaming those discontents of the Union, which it should be the aim of every friend of the Union to allay. Mr. B. thought these views ought to be sufficient to put an end to this bill; but, lest they might not be, he would go on to present another view of it, which, on the principles of its authors, on the ground assumed by themselves in debate, ought to be conclusive of its fate.

He alluded to the payment of the public debt. The advocates of this bill, taking their position upon the assumption that the debt of the revolution being paid, and the lands which had been granted by the States, and pledged by Congress to the redemption of that debt, being released from their pledge, they had a right to consider them as a sort of surplus fund, and to do what they pleased with them. This assumption of the extinction of the public debt, though true in the sense understood by the donors of the land, and by the body of the American people, was untrue in the sense of the term as used by the friends of this bill in the support of other bills. The funded debt of the revolution is indeed paid; but another debt of the revolution has been created by Congress which had not yet been provided for by the levy of unascertained millions. He referred to the revolutionary pensions. Upwards of $5,000,000 will be payable this year on that head; namely, $4,417,655, under the act of the last session, and $931,000 under former acts; making together the sum of $5,348,655. This enormous pension debt, according to the argument of all those who created it, is a debt of the revolution; and it can be no offence to any person to say that the authors of the pension debt, and the supporters of the distribution land bill, are one and the same party, known to all persons as the high tariff party. The period of paying this new debt cannot be foreseen. It becomes greater instead of less. Twelve months ago, the number of pensioners was twelve thousand; they may now be stated at thirty-six thousand, and increasing every day. Upon the principles of the distribution bill, and according to the arguments of its supporters, the division of the land fund should not be made until this new debt was paid. But a new and a strange system of logic has been adopted. Because the lands paid nothing towards the extinction of the true revolutionary debt, they shall pay nothing towards the liquidation of the new one! Because the custom-house has paid the whole of the old debt, and has supported the Government besides, it shall now pay the whole of the new debt, and be saddled in the bargain with the expenses of administering the lands, and purchasing them from the Indians! Could any thing be more iniquitous than this? more false to its own professed principles? more at war with the professions of its supporters? more calculated to exasperate all the States which are asking for a reduction of the tariff, and which are to see their demands answered by throwing an additional burden of three millions upon the customs, which will be made the pretext for keeping up six millions of duties, and may be the cause of preventing any reduction of the tariff, not only at this session, but for years to come?

Mr. B. had hoped that this bill would not have been renewed at this time. There were grave reasons why it should not be. This was an expiring Congress; the last session of the last Congress under the census of 1820, just ready to give way to the new and full representation of the people, founded upon the census of 1830, and to whom it more properly belonged to talk of settling a question of this magnitude. The new States, so vitally affected by this bill, had a right to expect its postponement until they were fully represented; and could not regard this proceeding in any other light than as taking an undue advantage of them, in the moment of their weakness, and before their new strength could be brought into action. The Southern States, so anxious for a reduction of the tariff, had certainly a right to expect that, if there was no reduction of duties, there certainly should be no act to fasten and perpetuate their burdens upon them. But there was another reason which he chiefly relied upon to keep off this bill at the present time; it was the alarm which it created among our red brethren of the forest, recently translated to the west of the Mississippi, under the pledges of this Government that they were to remain forever undisturbed in the new homes provided for them in that remote region. These people are now in the greatest state of alarm and apprehension. They dread a new encroachment of the whites—a fresh demand for cessions of land. The report of the Secretary of War, just read at the table, states the existence of this alarm. Whence its origin? Whence the dread that this Government is to break its faith in the pledge for an undisturbed possession in the very moment of giving that pledge? It is in this bill, and in that report of the Committee on Manufactures of the last session of Congress, in which every acre of the land pledged forever to the Indians for their permanent home is claimed as the property of the United States; its quantity calculated at near a billion of acres! its value computed at a billion and a quarter of dollars! and the whole claimed as a fund for distribution among the whites! in the division and enjoyment of which they were to be employed for five hundred years! No wonder they are alarmed; and that alarm being now known to the supporters of the bill, also known as the friends of the Indians in the Georgia controversy, it might have been expected to produce that postponement of this measure, which the rights of the new States, and the sufferings of the old ones, have in vain solicited. But the expectation is vain. The bill is not delayed; it is pressed; it is pushed; an impatient majority calls for its enactment; the high tariff party are united for it, and as ardent for the spoils of the West as they have been for those of the South. The West must defend itself. The rules of debate have not yet been altered so as to stifle discussion, though attempted to be so altered at the last session in behalf of the Bank of the United States. The minority can still speak; the Senators from the young States can still plead the cause of their constituents; and it becomes their duty to proclaim, from this elevated theatre, the evils of a measure which they may not be able to arrest by their votes.

Mr. B. then went over many prominent objections to the bill, briefly touching upon those which had been dwelt upon by other speakers, and enlarging upon those only which had been least attended to.

He first looked into the constitutional power of Congress to do what this bill assumed to do, namely, to exercise unlimited power over the disposal of the public lands, and the application of their proceeds. This unlimited and irresponsible claim of power over this particular species of property he exposed, and exploded at once, by reciting the very next words in the clause relied upon. The advocates for the claim rested upon the clause in the constitution which authorized Congress to dispose of the territory of the United States, and to make all needful rules and regulations concerning it. Mr. B. showed that the very next words after territory were "other property;" so that all the power conferred by the clause over the public lands was also conferred over every other species of property. Private lands acquired from individuals in payment of debts, forts, ships, arsenals, navy yards, munitions of war, houses for the public service, buildings of every kind—all came under the clause of "other property;" and, according to this new version of the power of Congress, might be divided out, given away, or sent to the black colony in Africa, according to the will and pleasure of a majority in any Congress for the time being. Bank stock was property; the United States held seven millions of that stock in the Bank United States. Why not divide it out? Why not put it into the land bill? It would make a division worth having: a million of dollars for New York; six hundred thousand dollars for Pennsylvania; four hundred thousand dollars for Ohio; and a few farthings for such petty corporations as Missouri and Delaware. Money was property; and it was "other property," for it was not land; then why not assume an unlimited and irresponsible power over all the money in the treasury, and deal it out also in a distribution bill? There will be six or seven millions of surplus this year; what a dazzling prize it would make, added to the Bank stock! Two millions for New York; a million and a quarter for Pennsylvania; eight hundred thousand for Ohio! What Senator could venture to vote against such munificence to his State, to his empty-coffered State, loaded with internal improvement debt, and grinding her people with taxes to pay it? It would acquire a bold Senator not to give the vote; and a population of heroic virtue not to dismiss him if he did.

Mr. B. scouted this doctrine of unlimited power over the public lands. He was astonished that any Senator from the West should broach a doctrine so derogatory and so insulting to the new States. According to this unlimited power, not only the proceeds of the lands might be distributed, but the lands themselves. The entire territory of the new States might be bestowed as fiefs of the empire, held in perpetuity by owners in fee, and nothing but tenants admitted to reside in the States. They might never be disposed of at all; Congress might hold them as a reserved treasure, too precious to be used by the present generation; thus defrauding the State of its taxes and population. Congress was the trustee, and not the owner of the lands. It was her duty to dispose of them, and to dispose of them for objects known to the constitution. The lands ceded by the States were given not for division, but for the payment of the public debt; and Congress showed this to be its sense of the gift by immediately pledging them to that object; those acquired from France and Spain were immediately pledged by Congress to the same object. These pledges showed the sense which successive Congresses entertained of their duties, as well as their powers over this property. The grants of land to the new States, and the five per centum of the proceeds of the sales, so often mentioned, all turned upon a different principle—on the principle that the Federal Government being a great landholder in the new States, and paying no taxes, working on no roads, free from all the contributions of other landholders for the improvement of the country, and deriving benefit from their improvements, was bound to contribute, in proportion to her means, to the same objects. The expressions caught at in the President's message, to justify an unlimited assumption of power over the lands, would justify no such thing. Their import is shown by the context, by what immediately follows, and recommends them to be sold for the settlement and improvement of the country, and for the reimbursement of their cost and charges.

Mr. B. trusted that he had shown the fallacy and absurdity of this assumption of unlimited power over the disposal of the public lands; he next undertook to show the unconstitutionality of dividing the lands, or the proceeds, among the States. He held that there was no difference between dividing out the lands themselves, and the money which was received from them; and no difference between dividing this money, and any other money that was found in the treasury. He knew of but two ways for Congress to find its powers in the constitution: first, by an express grant; secondly, by an implication derived from an express grant, and founded in necessity and propriety for the execution of the grant; and he utterly denied that there was an express grant to make this distribution, or any grant of power whatever to which the distribution could be necessary and proper.

Sir, said Mr. B., the primary conception of this bill—its distributive principle—is unconstitutional; its specific enactments, and selection of objects for the application of the distribution, are so many separate, distinct, and accumulated instances of constitutional violation. The assumption of State debts was a new and portentous attack upon the sanctity of that instrument; the more dangerous, because it carried a corrupt temptation along with it. States in debt could only consult their necessities, not the constitution, when the means of paying their debts were exhibited to them from the federal treasury. The practice once begun, it would be immaterial for what purpose the debt was created. The present assumption is for a class of debts which the wildest latitudinarian never pretended could come under the federal expenditure. It is internal improvement, not national, but local, to the State in which they were made; such as a State Legislature directs for the benefit of counties, parishes, and sectional divisions of its territory. The appropriation for general education was a new attempt to violate the constitution at a point at which it had been successfully defended for forty years. The application of the federal funds for the support of a free negro colony on the coast of Africa was now for the first time seriously attempted. It implied the right of Congress to apply those funds in the emancipation of slaves; for the right to remove, and provide for the free blacks, could only be appurtenant to the right to make them free. It implied the right to stretch the constitution of the United States over the continent of Africa; to make it cover two continents, and two distinct races of people; to make it what the enchanted tent was in the Arabian Nights—a thing so small that it might be held in the palm of the hand, and yet so expansible that it might be stretched over the court and army of the Great Mogul.

Passing from these constitutional objections, which he barely enumerated, Mr. B. went on to dilate upon those which applied to its policy and expediency. At the head of this list, he placed the peculiar character, or composition, of the bill itself. It was a compound of ingredients, containing something to suit every palate. Lands and money, roads and canals, free schools and high schools, relief to debtors, emancipation and colonization of slaves! Such was the cargo with which it was freighted! It came into the Senate chamber, with money in every clause, to pay its way through, as the souls of the damned arrived on the banks of the river Styx, with money in hand to pay their passage into hell. The surly Charon never refused a soul that had the money; in this polite assembly, so munificent a bill cannot be turned out of doors. Gentlemen might turn themselves out of doors if they did. A hue and cry might be raised against them if they deprived their constituents of such large *douceurs*. It was easy to see how such a bill must operate upon the imagination of members; seduction on one hand, terror on the other. To accept the allotted portion might be to pierce the constitution, like the robe of Cæsar, with the stabs of twenty daggers; to reject it, might be to jeopard the occupation of these curule chairs, so dear to the possessors, and so hardly regained when one time lost. It was wrong to put members to choose between such alternatives. It was legislative duress. Morality condemned it; purity recoiled from it; Senatorial dignity should repel it.

Mr. B. next proceeded to lay open the true character of the bill, which, he said, had been smuggled into the Senate under a false name, and covered with a veil—a veil too thin to hide its woolly head and iron heart. It was a tariff bill! calculated to keep up the scale of high duties, and to inflame the discontents of the country. Its high tariff character was proved by its origin, for it emanated from the Committee on Manufactures; it was proved by its supporters, for every high tariff Senator was for it; it was proved by its effects, for its passage would put an end to the bill for the reduction of duties. Far and wide, in Congress and out of Congress, it is hailed as a high tariff measure, as a part of the American system! and to be defended and supported by all the advocates of that system. All the high tariff States are for it. Their Legislatures have adopted it. Their memorials to Congress enforce and demand it. Listen to one of them. Let the Secretary read the last that came in—the memorial from the Vermont Legislature.

The Secretary read:

"Whereas there exists in the country an organized and powerful opposition to the system of protection to domestic industry and enterprise, usually denominated the "American system," which has heretofore been considered the settled policy of the Government: and whereas a proposition for the reduction of the tariff duties, to an extent destructive to the leading interests of this portion of the Union, was made by the head of the Treasury Department, sanctioned by the Executive of the General Government himself, at the last session of Congress, which proposition may be renewed under the same auspices: Therefore—

"*Resolved*, The Governor and Council concurring herein, That our Senators in Congress be instructed, and our Representatives be requested, to oppose any and every modification of the tariff laws which shall have any tendency to weaken or destroy their efficiency as a system of protection to domestic manufactures in their various branches.

"*Resolved*, The Governor and Council concurring herein, That our Senators in Congress be instructed, and our Representatives be requested, to aid in procuring appropriations for such works of internal improvement as shall, in their opinion, be of general and national importance.

"*Resolved*, The Governor and Council concurring herein, That our Senators in Congress be instructed, and our Representatives be requested, to use their endeavors to procure a re-charter of the present Bank of the United States, with such powers and provisions as they shall deem most proper for the attainment of the objects of its institution, and most conducive to the general welfare.

"*Resolved*, The Governor and Council concurring herein, That our Senators be instructed, and our Representatives be requested, to use their influence and their votes to preserve inviolate the integrity, and resist all encroachments upon the authority of the Supreme Court of the United States, and to ensure the independence of the Judiciary in every department.

"*Resolved*, The Governor and Council concurring herein, That our Representatives in Congress be requested, and our Senators instructed, to use all honorable endeavors to procure the passage of a law which shall effectually protect our citizens engaged in the manufacture of marble from foreign competition.

"*Resolved*, The Governor and Council concurring herein, That our Senators in Congress be instructed, and our Representatives requested, to sustain, by all proper means, a division of the moneys arising from the sale of the public lands, in accordance with the principles contained in the report made by Mr. Clay to the Senate of the United States, at the last session of Congress."

Mr. B. resumed. Here it is! full and complete proof—

all the way from Vermont. The land bill fairly incorporated into the American system! Last, but not least, youngest, but not weakest, of the family of the American system! Junior brother to the high tariff, internal improvement, re-charter of the Bank of the United States, supremacy of the Supreme Court, and Georgia missionaries into the bargain, if they had not played out their part in the Presidential election, and gone home, with the pardon in their hands, the month after the election, which they refused to take a year before it.

Mr. B. next objected to the distribution, itself, as a fallacy, an illusion, and a deception. It was to divide out certain parcels of money with one hand, and to gather back still larger parcels with the other. Fifty or one hundred thousand dollars were to be distributed to a State from the land fund, and twice or thrice that amount to be taken from that same State in taxes upon salt, iron, blankets, flannels, cotton and woollens, and all the comforts and necessaries of life. Two millions were to be distributed from the land fund, and three millions, by the admission of the high tariff party, to be retained in its place, in duties upon imports. A retention of three millions of duties is admitted, but every body knows that a pretext will be found in this retention to keep up the whole surplus revenue. To the high tariff States, then, this distribution is a double bounty: first, in giving them the proceeds of the lands; and, secondly, in giving them six or eight millions of additional bounties on manufactures. To the anti-tariff States it is delusive bait--insidious cheat—to beguile them with farthings while plundering them of pounds.

Mr. B. remarked upon the preliminary distribution of 12½ per cent. to the new States, as a falsification of the whole argument on which the bill rested. That argument was, that the lands belonged to all the States; that all were equally interested in them; that this was a broad-bottomed, equal, comprehensive, universal system of exact justice to every one, in opposition to partial and interested legislation in favor of a few; and immense credit was arrogated to themselves, by the authors of the bill, for the impartiality of their conduct in this heroical vindication of universal rights. This was the argument; and what is the fact? Why, a preliminary distribution of 12½ per centum to a few States, and then an equal distribution of the remainder, making, as these very champions of exact and universal justice themselves declared on this floor, a division of one-third of the whole amount to the seven new States! Thus the argument is falsified; and from under this falsification the truth peeps out, that this preliminary distribution is a bribe to the new States to induce them to take the bill--a bribe with their own money, to induce them to submit to the pillage and devastation of the high tariff States!

Mr. B. denounced the bill as unfair, partial, and unjust, in several particulars. First, in not admitting Georgia and Virginia, the two great donors of land to the Federal Government, to the preliminary division of 12½ per cent. on the sales made of the lands which they had bestowed upon the Federal Government. Secondly, in admitting Maine, Massachusetts, and Connecticut to come in for an equal share with other States, without accounting for the proceeds of the lands which they had retained, and were now selling for their own benefit—lands from which Maine and Massachusetts were now deriving at the rate of three hundred thousand dollars per annum; and the Western Reserve in Ohio, from which Connecticut created her school fund of near two millions of dollars. Thirdly, in putting all the States upon an equality with respect to internal improvement, when it was well known that a few favored States had received millions for that object, and others nothing; and when the plainest principles of justice required the deficiency to be made up to the neglected States before the general distribution should commence. This bill, so far from making up the deficiencies, in fact, goes on to increase the inequality, by giving the most to those which have had most; stuffing and cramming the States which have been gorged, and dribbling crumbs to those which have been famished.

Mr. B. condemned the rule of distribution—that of population—as false and unjust in its application to a system of internal improvement. The extent of the roads and canals, and not the number of people in the State, was the true rule of distribution in such a case. A large State would require long roads, although it might have but a thin population; a small State would require but a short road, be its population ever so great. Population he admitted to be the true rule of distribution where money was to be divided for individual benefit, and each person was to have his own share for his own purposes; but in the case of roads and canals, the number of people was not only not the true rule, but was the reverse of the true one; for dense population implied a rich level country, where artificial roads were least wanted, and easiest made; thin population, a poor, mountainous country, where such roads are most wanted, and least means for making them! Again: roads and canals will last forever; they are not limited in their use to people of this day; they are for distant ages and remote posterity. If we looked to population at all, it should be to the future, and not to the present; it should be to the States as they would be when their limits were full. This would give the size of the State as the rule of distribution, and would substitute territorial extent for population—a rule which would work peculiarly right in this case, because it would give most to the States which had best right to receive most, and the greatest need for it, namely, to Virginia and Georgia, which gave five of the new States to the Federal Government, and to the new States themselves, which would be so cruelly exhausted to raise the money for the rest.

Mr. B. argued against the sufficiency of the twelve and a half per cent. allowed to the new States. It was an allowance for the damage they were about to suffer from the operation of the bill, and was a most inadequate and insufficient compensation even for the pecuniary damage they would suffer. Counting the pecuniary damage alone, it would require fifty per cent. to make it good. There was fifty per cent., in a moneyed point of view, between the bill and the amendment which was proposed to it; which amendment passed the Senate three years ago, and would pass Congress at this time without the least difficulty, had it not been for this bill. The bill keeps up the price of the land to one dollar and twenty-five cents; the amendment reduces the price to one dollar per acre to general purchasers, and fifty cents per acre to actual settlers. Now, observe the practical operation of the two plans. By the bill, a State will receive twelve and a half cents in the dollar upon the sales within her limits; by the bill she will save twenty-five cents per acre on all the sales to general purchasers, and seventy-five cents per acre on all the sales to actual settlers. Upon a sum of $100,000 the State would receive $12,500; under the amendment, she would save about $50,000. Mr. B. was astonished that Senators from the new States, who voted for this bill, and without whose votes it could never pass, should make such bad bargains for their States. They were entitled to fifty per cent., and could easily get it if they held back for that amount. The high tariff party would take the other fifty with thanks, if they could get no more. They would take what they could get, if it was but five per cent.; for it was all clear gain to them. They would take one per cent. before they would miss the chance. They wanted a finger in the pie; and that finger once in, they knew that they would quickly have the whole pie, dish and all, and the pot in which it was cooked. If these Senators really thought they could make no better bargain, yet there was one thing they could do; they could put off the bargain until the new States were fully represented under the new census, and when they could have a fair chance for their own money.

But Mr. B. utterly denied that the damage to the new States, from the operation of this bill, could be estimated in money. They were to receive injuries from it of a kind which no pecuniary damages could compensate. At the head of these mischiefs stood the acknowledged fact that the passage of the bill would put an end to all hope for any reduction in the price of the public land. Its bare introduction had entirely changed the temper of Congress, and converted many members, who were the advocates of reduced prices for years past, into decided enemies of that measure, and open advocates for the distribution system. So far from reduction, an increase of the price was certain and inevitable. The clause put into the bill to restrain future Congresses from raising the price of the lands, was an acknowledgment of the danger, and a proof of the futility of the remedy. It was adding insult to injury. It implied that the people of the new States were silly enough to believe that this Congress could bind future Congresses by its laws; that this Congress could tie the hands of its successors, and prevent them from altering the price of the public lands. This cunning clause was put in to delude the Western people, and blind them to their danger; but it will have the contrary effect. It will blind no man; on the contrary, it will open his eyes. He will see that there is such a violent disposition just broke out to raise the price of the lands; that Congress, for the first time in the history of the Government, found it necessary to stipulate against it; and he will know that the stipulation is void; that any subsequent Congress may repeal any part of the act it pleases, and substitute any new enactment that it thinks proper. That the price of the lands would be raised, was certain and inevitable. It might not be done by an act of Congress, but it would be done by an act of the new lords and masters of the West; by sending out agents to bid at every sale, to run up the price of every tract, to sue every farmer that took a stick or a stone from public land, to impound the cattle and hogs that eat the public grass and acorns, and to pursue the women and children who gathered up the rotten wood. That all this would take place, Mr. B. said, could well be known from looking to the laws passed by Maine and Massachusetts for selling grass and rotten timber, and prosecuting trespassers on their public lands. He had once read these acts in the Senate, and had lately seen in the newspapers an instance of the rigorous manner in which they were executed, in the prosecution of a man for two acorns! It could not be supposed that Massachusetts and Maine, when they became joint owners of the federal lands, would be more lenient to the remote settlers of the West than to their own citizens; and thus the price of land might be raised double as high as it was at present, without the formality of an act of Congress.

As a further evidence of the intention of the advocates of the bill to raise the price of lands, Mr. B. referred to the brilliant prospects of future large dividends held out in the argument, namely, that in twenty years they should have six millions to divide; forty years hence, twelve millions, and so on; the sum for distribution becoming greater instead of less for five hundred years to come. Such were the calculations of the friends of the bill; and how are the lands, as they get worse, to produce more? The first choices of the land for forty years past have only averaged one million of dollars per annum; and how could the refuse produce six and twelve times as much per annum, unless it was by running up the prices, either by an act of Congress, or by combinations to bid against the settlers? That the price ought to be reduced, every body knew. Nobody opposes it in the new States but old speculators in public land, and new speculators in land scrip, and some politicians who have taken a crooked view of their own and of the public interest. Reduction, so as to adapt the price to the quality, is the voice of the West; and that voice has been heard on this floor by memorials from Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana. The people of these States know that a reduction and graduation of the prices of the land ought to take place; and they know that Congress knows it; for the official reports of the registers and receivers, showing the inferior quality and low value of the unsold lands, is known by the people of those States to be in the possession of Congress. They know, besides, how fresh lands are selling in the State of Maine, under the laws of that State, and the State of Massachusetts, at the one-half the one-fourth, and the one-tenth of what Congress demands for her refuse lands in the West. Here is a list of actual sales in the State of Maine in the year 1828, which shows the price at which that State disposes of her own land to her own citizens, and contrasts strongly with the conduct of the Federal Government to the new States of the West.

Sales of public land at Bangor, in Maine, 1828.

20,000	acres, at	40	cents per acre.
10,000	"	32½	"
16,000	"	30	"
22,000	"	29	"
20,000	"	26	"
20,000	"	21	"
20,000	"	20	"
6,000	"	19	"
10,000	"	11	"

It was not only a reduction of prices which was called for by the West, and which this bill would forever prevent, but donations also. Every Government upon the face of the earth, ancient and modern, republican and monarchial, Christian, Mahometan, and Pagan, had made donations of land to their poorer citizens. The Roman republic always did it, giving a double quantity to fathers of families who had three children, or more; the Mexican and South American republics are now all doing it. Great Britain, though a monarchy, is now doing it on our borders, in Canada. She makes a donation of one hundred and fifty acres of land to poor settlers, with farming implements to cultivate it, seed grains to sow it the first year, and a cow and a calf to commence a stock of cattle. This is the conduct of a monarchy—of that monarchy whose dominion we threw off, assigning as one of the reasons for our doing so, as may be seen in the eighth clause of the Declaration of Independence, that the King had raised the conditions of new appropriations of public lands. How sadly the conduct of the Federal Government contrasts with the liberality, wisdom, and justice of all these nations! How much wiser to imitate their example in making donations to poor settlers! How much wiser to adopt the patriotic recommendation of President Jackson, to abandon the idea of deriving revenue from these lands, and look to the freeholders which may be formed upon them as the true wealth and riches of the country.

The next great injury to accrue to the new States from the passage of this bill, Mr. B. showed would be in putting an end to the grant of pre-emption rights on equitable terms. He stated that an immense number of meritorious citizens, generally of small property and young families, had seated themselves on the inferior qualities of the public lands, on tracts of second or third rate land, such as was not worth the Government price, and had made beneficial improvements with a view to purchase the land when able to do so. The labor bestowed upon this land frequently gave it double or treble the value which it had before; and it had been the equitable policy of Congress, heretofore, to allow pre-emption rights to such settlers, whereby they saved their own labor and improvements.

The whole of this meritorious class would now be sacrificed; no pre-emption rights would be allowed them; their homes would be put up to the highest bidder; heartless speculators and the agents of the old States would bid against the cultivator of the earth for his own sweat and his own labor, and would turn his family out of the house that he had built, and chase himself away from the fields which he had cleared. A clause in the amendment reported by the Committee on Public Lands proposed to secure these settlers, and let them have their homes at fifty cents per acre. That clause is vehemently opposed by the advocates of the distribution bill. Not only the clause itself is opposed, but the whole class of citizens for whose benefit it is intended are personally assailed, and represented as knaves who would defraud the Government, and as vagabonds to whom lands would be of no value—men who would get their lands by fraud and perjury, and then part with them for nothing. Surely it was enough to deprive these meritorious settlers of their labor, without depriving them also of their characters. It was wrong, on this elevated theatre, to defame such men in order to deny them justice. It increased the bad opinion which our Northeastern brethren entertained of the Western population, and must operate to the prejudice of the West in all time to come.

Prevention of emigration to the new States was the next great evil to which Mr. B. adverted, and he found in the conduct of the high tariff party, in regard to Western emigration, an exact parallel to that of the King of Great Britain in preventing emigration to the American colonies before the revolution. He quoted the words of the Declaration of Independence: "He has endeavored to prevent the population of these States; for that purpose....... refusing to pass laws to encourage their migration thither, and raising the conditions of new appropriations of lands;" and held that they were just as true of the high tariff party at this time, (which controlled the legislation of Congress,) as they were of the King in 1776. He referred to the memorial of the high tariff national convention, presented at the last session, and to the speeches of the advocates of the distribution bill, for proof of this assertion. They were all united in the idea that emigration to the new States was too rapid; that it ought to be checked; and that keeping up the price of the public lands, denying settlement rights, and refusing donations, was the most effectual way to check it. He denounced this whole scheme of checking emigration as contrary to the rights of freemen, and the means of doing it as unjust and oppressive to the West. Tyranny was tyranny, whether it came from a King or a Congress; prevention of emigration was a violation of the rights of man, whether intended to check the growth of colonies or of States; to furnish old England with sailors and soldiers, or New England with work-hands in factories; and the withholding land from the hand of the cultivator was a violation of the beneficent intentions of God, whether withheld by titled monarchs or joint-stock-manufacturing companies. Two other clauses in the bill he pointed out as insults to the people of the new States, namely, the clause which forbids future Congresses to appropriate less than $80,000 per annum to the survey of the public lands, and the clause which permitted the said future Congresses to reduce the price of the lands. Such clauses, like that against raising the price, could only be bottomed on the supposed ignorance of the Western people—a point on which the framers of the bill would find themselves wofully mistaken. Future Congresses would do as they pleased, without regard to the restrictions or permissions of this one. Why not reduce the price of lands now, instead of putting in a nugatory permission for a future Congress to do so? Why insert such an idle and useless provision, except to delude the people with unfounded hopes, and make them acquiesce in this ruinous bill?

Indignity to the States, and assumed authority over their domestic legislation, was another point dwelt upon by Mr. B. He referred to that part of the bill which required the States to use the distributed fund for certain specified purposes, and employed the imperative word "shall" with respect to that use. It was the language of a superior to an inferior—of an empire to its province—of a State to its county—of a county to its parish. It was the language of the master to his servant; and if any State accepted money on these terms, it accepted the price of its own degradation—the wages of its own submission to federal dictation. If distributions for internal improvement, for education, for State debts, for free negro colonization, or for any other designated object, are to be made, it is not by acts of Congress, but by compacts with the States, that it would be done. The obligation of the new States to apply three per cent. of the proceeds of the public lands to the construction of roads and canals, was an obligation voluntarily assumed by the States in compacts with the Federal Government, and were not regulations imposed upon them by acts of Congress. This bill proposes to add thirteen and a half per cent. to that fund, by law, and to order its application to specified objects. Compacts were the true mode of creating that fund; they are still the true mode of increasing it. It is the only mode which is compatible with the independence of State legislation—Mr. B. would not say State sovereignty—that phrase is the watchword of a new argument; and he would put it to all who contended for the rights of the States to say, if this attempt to impose obligations upon the States by act of Congress, instead of inviting them to assume these obligations by voluntary compacts, is not the most dangerous of all the attempts ever made upon those rights, because covered with the disguise of beneficence, and accompanied by the seductive temptation of money?

Mr. B. commented upon an expression often used in this debate by the friends of the bill; it was the expression "settle;" and referred to the land question, and the internal improvement question, which it was assumed this bill would adjust and regulate. He thought it a very gratuitous use of the phrase. With respect to internal improvement, it proposed no settlement of the question; and could make none. The whole question was left open to Congress to go on forever, as it had done for many years past, with sectional and partial appropriations. A compact with the States, by which Congress would bind itself to make no appropriations for new objects, and the States would bind themselves to apply such limited amount of surplus revenue as they would consent to receive to objects of internal improvement, was the only mode short of a constitutional amendment which could settle it. In another sense, he said the word "settle," as it applied to the lands, was unfounded in fact; for it only proposed an arrangement which was to last for five years; and, so far from settling any thing, would actually bring up the whole subject of disposing of the public lands with the next periodical approach of the Presidential election. He insisted that this was not the Congress to settle the land question. The next Congress would be the proper one, when the new States would be fully represented, and when the people should have had time to read and consider the President's message.

Mr. B. said, it seemed to be taken for granted, that this bill was to pass, and was to be received by the whole Union with unbounded applause. He thought otherwise, both as to its passing and as to its favorable reception. No distribution bill had ever yet got through Congress. Many had been attempted, and all had failed. He instanced the repeated attempts to divide the public lands for education; the attempts to divide five millions of revenue among the States; the proposed distribution of the bank bonus at the last session. The distribution now proposed was infinitely more obnoxious than any, or all put together, that had preceded it, and might share the same fate. The signs were against it. Few voices, and those few entirely of the high tariff school, are raised for it on this floor. All the Senators who opposed it last year have met the approbation of their constituents. The great State of New York did not condemn her late Senator, [Mr. Marcy,] now her Governor, for refusing to take the immense distributive portion which was proffered to her; the Senator from New Hampshire [Mr. Hill] has not been condemned for rejecting the *douceur* offered to the granite State; on the contrary, his vote has been sanctioned by an immense majority of the Legislature of the State; the Senator from Indiana, who opposed the bill, [Mr. Tipton,] has been re-elected, maugre the 120,000 acres of land, the preliminary division of twelve and a half per cent., and the subsequent *pro rata* division with the other States. He himself [Mr. B.] had again been honored with the confidence of his State, although it had been carefully spread in all directions that he had deprived her of a gift of 500,000 acres of land, and two large dividends of money. Not a single State had raised its voice in favor of this bill, but those which cried out at the same time for more tariff, and which saw in this bill the three-fold gratification of keeping up at least three millions of unnecessary import duties, checking emigration to the West, and laying that great region under contribution for five hundred years to come.

The duration of this bill was a point to which Mr. B. invoked the attention of the Senate. It had upon its title the feature of limitation; it was to divide for a limited time the proceeds of the sales; and a section in the bill specified this time at five years. But what was the argument in favor of it? Why, that twenty years hence this bill will produce six millions of dollars for division; and forty years hence it will produce twelve millions; and five hundred years hence, Congress would still be engaged in levying money from the new States and giving it to the old ones. Thus, the nominal limitation was a deception—a false light, and a delusive hope, to lure the new States into the power of their adversaries, and to bind them eternally, when pretending to make a mere temporary arrangement for five years only.

Mr. B. had examined most of the obnoxious features of the bill, but there was one feature which could not be passed with the incidental notice which had been bestowed upon it. It was that provision which proposed a donation of land to six of the new States. The brief history of these land donations was in the knowledge and the memory of the Senate. Congress, heretofore, had granted one million of acres of land to Ohio for roads and canals, and nearly half a million each to the States of Indiana, Illinois, and Alabama, for the same purpose. All these grants were made upon the universally understood principle, that the United States, as a great landholder in these States, paying no taxes, working on no roads, and having the use of all the State roads for her mails and troops, was bound to contribute to the general improvement of the country. The reason which applied to Ohio and the other named States, applied with equal or greater force in behalf of Missouri, Mississippi, and Louisiana, each of which had immense quantities of public lands within its limits, and had never received either donations of land, or appropriations of money, for objects of internal improvement. To put these States somewhat on a footing with the others, he, (Mr. B.) at an early period of the last session, had brought in a bill to grant to Missouri half the quantity of land which Ohio had received; the Senators from Louisiana and Mississippi added amendments to make equal grants to their respective States; and in this form the bill received the favorable consideration of the Senate; was ordered to its third reading; was engrossed, and actually read a third time, (see Journal, page 358,) when it was laid upon the table, chiefly by the votes of those who were in favor of the distribution bill, and afterwards taken up by the friends of that bill, incorporated with it, and additional grants allowed to Indiana and Illinois, to make up their quantities equal to half a million each. The distribution bill, thus freighted with the Missouri bill, passed the Senate, was lost in the House of Representatives, and brought forward again at this session with the Missouri bill in it, although he (Mr. B.) had again introduced it as a separate measure. To all this proceeding Mr. B. expressed his strongest condemnation. His bill was a separate measure, resting upon its own merits, no way dependent upon the distribution bill, and entitled to its separate consideration and decision, as the grants to Ohio, Indiana, and Illinois had been separately decided. To put it into the distribution bill, was to entangle it in the fate of a bill with which it had no connexion, and by which it had been delayed in its passage for a year, and might be delayed as much longer. It was also to lay him under the necessity of voting against his own bill, as he could not take it in company with the distribution bill; and thus furnish a topic for electioneering against him in his State—a topic which had been freely used, but without any effect, thanks to the intelligence of the people of Missouri, who quickly comprehended the manœuvre, and thanks to their high spirit, which despised it. The distribution bill is now again depending with all these grants of land in it, and must have an effect upon its passage—perhaps be the means of getting it through. One Senator, at least, the gentleman from Mississippi, [Mr. Poindexter,] who advocates the distribution bill, lays great stress upon this donation of half a million of acres to his own State, and seems to dread the censure of his constituents if he should lose the chance of securing so large a grant, though certainly he ought to be the last person to found an argument of self-alarm on that circumstance, as it was on his own motion that this grant to his State, and the other States, had been incorporated in the distribution bill. Another reason why that Senator should not be uneasy is, the known facts, just mentioned, that these separate grants had substantially once passed the Senate, when the bill containing them was ordered to be engrossed for a third reading; that they had afterwards passed as a part of the distribution bill; and the sense of the Senate having been thus shown in their favor, there could be no doubt of their passage in a separate bill; unless, indeed, it was to be admitted that they were put into the distribution bill for the purpose of creating an interest to carry it through—an admission so derogatory to the Senate, that it could not be believed until it was recorded.

Mr. B. made an animated appeal to the Senate against the corrupting tendencies of the distributive system. He rapidly traced its ruinous effect upon the Roman elections, from the small beginning when candidates for the consulship would procure distribution of the public corn to the poorer class of voters, down to the time when the aspirants to the imperial diadem openly bid against each other for the support of the prætorian cohorts, and promised each soldier so many pounds of gold out of the public treasury for his vote. He warned the Senate not to commence such a system in this America. Its inevitable tendency was to run into the gulf of corruption, and to put up the highest office of the republic at auction sale. If the voters once condescended to receive distributions, whether from a public or private fund, the next step would inevitably be to look out for the hand that could, and would, distribute most. Private fortunes, in this country, could not furnish the means of lavishing benefactions on millions of voters; the public funds could alone do it; and he called upon all considerate men to say where the practice would stop, if it once began?

In conclusion, Mr. B. took occasion to present the true question which was now at issue. It was not a question of taking the lands from the old States by the new ones. No such idea existed in the new States. It took no root among the people when brought forward by some individuals four or five years ago. It was then discountenanced, as unfounded in itself, and prejudicial to the new States. To charge the new States with a design to seize upon these lands, in order to justify the old States in seizing upon them themselves, was to aggravate injustice by calumny. The true question was one of the reduction of the price of the lands, and a graduation of the price according to the quality. This is what the new States demand; it is what President Jackson recommends; and it is what the Committee on Public Lands report in their amendment. The question lies between the plan recommended by the President, and the distribution plan proposed by the Committee on Manufactures; between the plan which would make the lands pay their own expenses; which would dispose of them to the people on equitable terms; which would fill the new States with freeholders, and give them in a reasonable time the use of all the territory within their limits for cultivation and taxation, and prevent them from being forever drained of their money to be expended in another quarter; the question lies between this wise, patriotic, and republican plan on one side, and between an unwise, unjust, and anti-republican plan on the other side, to throw the expenses of the lands and the Indians on the custom-house revenue; to keep up many millions of unnecessary revenue on imports, to the discontent and peril of the Union; to fill the new States with tenants, and the old ones with paupers; to make the new States the everlasting tributaries of countless millions to the old ones; and to gorge the high tariff States with the spoils of the West after having long fattened them upon the spoils of the South. This is the question now submitted to the Senate; and if the bill is not driven through at this session, it will be the question before the oppressed part of the American people--a question in which they will have justice and Jackson on their side; and in which victory will be true to them, if they are not false to themselves.

The question being on the fourth and last section of the amendment, directing the Secretary of the Treasury, under certain circumstances, to discontinue and alter land districts--

Mr. BLACK moved to amend the amendment, so as to leave it to the discretion of the Secretary of the Treasury to discontinue offices, instead of making it a duty obligatory upon him. This amendment to the amendment was agreed to.

The question was then taken on the section as amended, and decided as follows:

YEAS.—Messrs. Bell, Black, Chambers, Calhoun, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Wilkins.—27.

NAYS.—Messrs. Benton, Brown, Buckner, Forsyth, Grundy, Hill, Kane, King, Mangum, Miller, Moore, Robinson, Smith, Tyler, Waggaman, White, Wright.—17.

The question then recurred upon the substitute reported by the Committee on the Public Lands, (in lieu of the original bill,) providing for a reduction of the price, and granting pre-emptions to actual settlers on the public lands; and was negatived, as follows:

YEAS.—Messrs. Benton, Black, Brown, Buckner, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Moore, Robinson, Smith, Tipton, White, Wright.—17.

NAYS.—Messrs. Bell, Calhoun, Chambers, Clayton, Dallas, Dudley, Dickerson, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Miller, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Tyler, Waggaman, Wilkins.—26.

So the substitute of the Committee on Public Lands was rejected.

Mr. BENTON then moved to amend the bill in the fifth section, by striking out the specific quantities of lands granted to the States named, and inserting a general proviso, that each of the other States named shall have as much land granted as will make each stand on an equal footing with Ohio.

Mr. FORSYTH asked how many millions of acres this amendment would grant away?

Mr. BENTON replied that the number granted to Ohio was one million six thousand acres.

Mr. EWING explained the particular circumstances under which Ohio had received so large a grant.

Mr. HENDRICKS suggested a modification, which was accepted by the mover, and made a few remarks in favor of the amendment.

Mr. CLAY explained his reasons for opposing this amendment.

Mr. KANE briefly supported the amendment, when

Mr. FORSYTH moved (at 5 o'clock) that the Senate now adjourn. Negatived, yeas 21—nays 23.

The question then recurred on the amendment of Mr. BENTON.

Mr. MOORE made some remarks in defence of the proposition.

Mr. BUCKNER then spoke until six o'clock, in favor of the amendment.

After Mr. BUCKNER had concluded,

Mr. SMITH moved that the Senate now adjourn. Lost, yeas 16—nays 20.

Mr. BENTON then addressed the Senate in support of his motion to amend; after which, the question was taken, and decided as follows:

YEAS.—Messrs. Benton, Black, Buckner, Dallas, Grundy, Hendricks, Hill, Kane, Moore, Robinson, Ruggles, Tipton.—12.

NAYS.—Messrs. Bell, Calhoun, Chambers, Clay, Clayton, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Holmes, Johnston, Knight, Miller, Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tomlinson, White, Wilkins, Wright.—26.

So Mr. B.'s amendment was rejected.

Mr. MOORE moved to amend the bill by requiring that the land granted to the State of Alabama should be applied in aid of the improvement of the navigation of the Tennessee and other rivers.

This motion was supported by Mr. MOORE, and opposed by Messrs. KING and CLAY, and negatived.

Mr. BENTON then moved to amend the bill by inserting, in the second section, a provision, that before any division of the proceeds, there should be a deduction of all the expenses of the administration of the public lands, of contracts made with the Indians, &c. Rejected, as follows:

YEAS.--Messrs. Benton, Black, Brown, Buckner, Forsyth, Grundy, Hill, King, Mangum, Miller, Moore, Robinson, White, Wright.—14.

NAYS.--Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Wilkins.—24.

Mr. FORSYTH asked if it was the wish of the friends of the bill to push it to a third reading.

Mr. CLAY said it was their wish to do this.

Mr. FORSYTH then moved to amend the bill in the second section by striking out the words "colonization of free persons of color."

Some discussion took place on this question, in which Mr. FORSYTH, Mr. CLAY, and Mr. CHAMBERS took part.

Mr. GRUNDY said, although he had been much instructed by the arguments which he had listened to in the course of the day, still it should not be forgotten that man could not live on speeches alone, and he would therefore move to adjourn.

The motion to adjourn was lost.

The question was then taken on Mr. FORSYTH's amendment, and decided as follows:

YEAS.—Messrs. Benton, Black, Brown, Buckner, Dallas, Dudley, Forsyth, Grundy, Hill, Kane, King, Mangum, Moore, Robinson, Tipton, Waggaman, White, Wright.—18.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dickerson, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Wilkins.—21.

Mr. MANGUM then moved to strike out all the restrictions on the States, and asked for the yeas and nays, which were ordered; and the question being taken, was decided as follows:

YEAS.—Messrs. Benton, Brown, Buckner, Dallas, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Moore, Robinson, Tipton, White, Wright.—16.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Wilkins.—23.

The bill being then reported as amended, and the amendments concurred in, the bill was ordered to be engrossed, and read a third time.

At a quarter before eight o'clock, the Senate adjourned.

FRIDAY, JANUARY 25.

CONSTITUTIONAL POWERS.

Mr. CLAYTON rose for the purpose of submitting a resolution for the consideration of the Senate. The gentleman from South Carolina, near him, [Mr. CALHOUN,] had on Tuesday offered resolutions declaratory of the powers of the Government and the States, which had been made the order of the day for Monday next. To these resolutions the gentleman from Tennessee [Mr. GRUNDY] had proposed amendments, which were printed, and were to be moved again whenever the original resolutions should be considered. These amendments, while they declare the several acts of Congress laying duties on imports to be constitutional, and deny the power of a single State to annul them, or any other constitutional law, tacitly yield the whole doctrine of nullification, by the implied admission that any unconstitutional law may be judged of by the State in the last resort, and annulled by the same authority. He dissented from this doctrine; and if he had rightly considered the proposed amendments, it became his duty to place on record his own sentiments and that of the State he, in part, represented, on this most important subject, affirming the just powers of this Government, and repudiating the whole doctrine contended for and asserted in the resolutions of the gentleman from South Carolina. Differing on this subject, as he formerly had in debate here, from the gentleman from Tennessee, he knew no middle ground on which they could meet, no point of concession to which he should be willing to go, short of a full recognition of the true principles of the constitution, as asserted in the resolution he was about to offer. He then submitted the following resolution, which was read, laid on the table, and ordered to be printed for the use of the Senate:

Resolved, That the power to annul the several acts of Congress imposing duties on imports, or any other law of the United States, when assumed by a single State, is "incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed;" that the people of these United States are, for the purposes enumerated in their constitution, one people and a single nation, having delegated full power to their common agents to preserve and defend their national interests for the purpose of attaining the great end of all government—the safety and happiness of the governed; that while the constitution does provide for the interest and safety of all the States, it does not secure all the rights of independent sovereignty to any; that the allegiance of the people is rightfully due, as it has been freely given, to the General Government, to the extent of all the sovereign power expressly ceded to that Government by the constitution; that the Supreme Court of the United States is the proper and only tribunal in the last resort for the decision of all cases in law and equity arising under the constitution, the laws of the United States, and treaties made under their authority; that resistance to the laws, founded on the inherent and inalienable right of all men to resist oppression, is in its nature revolutionary and extra-constitutional; and that, entertaining these views, the Senate of the United States, while willing to concede every thing to any honest difference of opinion which can be yielded consistently with the honor and interest of the nation, will not fail, in the faithful discharge of its most solemn duty, to support the Executive in the just administration of the Government, and clothe it with all constitutional power necessary to the faithful execution of the laws and the preservation of the Union.

PUBLIC LANDS.

The bill appropriating, for a limited time, the proceeds of the sales of the public lands, &c. was read a third time.

Mr. WILKINS then rose and stated, that last evening, when some of the amendments proposed in the public lands bill were under consideration, several of the Senators were absent. He was willing that in reference to one of these questions a fuller expression of the sense of the Senate should be taken; but he was desirous that the motion he was about to make should not be received as indicating any change of opinion on his part. He then moved to reconsider the vote of last evening, by which the Senate refused to strike out the words "colonization of free persons of color."

Some conversation took place on the point of order, and then on the propriety of the motion; and the question being finally taken, the motion was decided as follows:

YEAS.—Messrs. Benton, Black, Brown, Buckner, Calhoun, Forsyth, Grundy, Hill, Kane, King, Mangum, Miller, Moore, Rives, Robinson, White, Wilkins, Wright.—18.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Tyler, Webster.—27.

Mr. FORSYTH then moved to recommit the bill, with instructions to strike out the words "colonization of free people of color." In support of his motion, he said many of the managers of the Colonization Society are well known and distinguished. At their annual meeting there had been an evident wish manifested to turn the attention of the public to the society, and enlist the Government in its behalf. Two of our most distinguished citizens, President Madison and Chief Justice Marshall, had expressed their views in relation to the Society. The former had suggested an appropriation of the public lands to the objects of the society; but he also had doubted the power of Congress to make it, and had proposed that the constitution should be so altered as to confer the power. Mr. Marshall was both in favor of the appropriations, and deemed it now constitutional. But Mr. F. thought there was a general impression on the minds of Congress that the Government does not possess the power. He said the object of the bill was to do indirectly what Congress felt it had not the power to do directly. If the bill pass, what will follow? The Colonization Society has no official or political weight or importance; and what will be the consequences of their sending out fifteen hundred or two thousand colonists to the coast of Africa? Every one may do as he pleases with regard to it in his individual capacity, but I desire that it may not be connected with the Government.

The Senator from Kentucky thinks it will perform wonders. The original object was to get rid of the free people of color; but that can be done without the aid of the Government. Now, sir, there is another project, and a very great one; one that is to command the approval of all--the civilization of Africa. It is thought that this can best be done by means of colonies. But look, sir, at Liberia. Here I have a map of the territorial property, of the sovereign jurisdiction of the Colonization Society of the city of Washington, by the Rev. J. Ashmun. [Here he read some remarks from the map, on the territorial jurisdiction of the society.] Sir, this society goes beyond the European notion of acquiring jurisdiction. European sovereignties obtained it by discovery and purchase; the society by purchase alone; and on this sole ground of sovereignty they were actually exerting their authority over twenty thousand people, and expect soon to exert it over one hundred and fifty thousand--the inhabitants of the territory which they hold, two hundred and eighty miles by thirty, over which their jurisdiction extends. Wars have been waged, and blood has been shed. In the early time of the colony it was attacked by the natives, and three hundred were killed. The agent of the society has waged war; tribes and towns have been conquered; and the spoils divided among the victors. Sir, in most cases of this kind, a claim would have been made on this Government for damages. If the colony were now attacked and destroyed by the resentment which it has provoked, no constitutional power of this Government could hinder its destruction. But if this bill pass, the Government will be involved in its defence. Europe will not allow a colony in Africa thus to grow up and extend, unmolested, while under so feeble prohibition. They will wrest it from the society, unless Government interposes. This bill is a commitment of the Government to protect the colony against all the world. The powers of Government were granted for no such purpose. Mr. F. concluded by saying, that he would dwell no longer on the subject, and that he would not believe that it was the wish of Government to do indirectly what it could not do directly.

Mr. TYLER remarked that there were two other propositions quite as obnoxious to the constitution as the one which had been noticed. Conferring on States the power and the means of internal improvement, and an appropriation, through States, to education, he considered as equally unconstitutional. If one was stricken out, he was in favor of erasing the whole. He preferred that discretionary power of appropriation should remain in the States. He moved to strike out the words designating the three specific objects of appropriation.

Mr. FORSYTH withdrew his motion.

Mr. CLAY asked a division of the question, so as first to consider the general question of recommitting at all.

Mr. FORSYTH inquired whether it could be divided, under the circumstances of the case.

The CHAIR decided that it could. A brief discussion ensued, until Mr. CLAY read from the rules a confirmation of the decision of the President.

On the question of recommitment, there were yeas 20, nays 23.

Mr. CALHOUN said that he rose to move the postponement of the bill until the first Monday in December next. In making this motion, he felt that the subject was one of very deep interest. In proposing to postpone it until the next session, he wished to be understood as intending to intimate a desire on his part to use whatever influence he might have to adjust a question which had already produced considerable agitation, and which must continue to increase, until it became permanently settled.

He could not yield his assent to the mode which this bill proposed to settle the agitated question of the public lands. In addition to several objections of a minor character, he had an insuperable objection to the leading principle of the bill, which proposed to distribute the proceeds of the lands among the States. He believed it to be both dangerous and unconstitutional. He could not assent to the principle, that Congress had a right to denationalize the public funds. He agreed that the objection was not so decided in case of the proceeds of lands, as in that of revenue collected from taxes or duties. The Senator from Ohio had adduced evidence from the deed of cession, which certainly countenanced the idea that the proceeds of the lands might be subject to the distribution proposed in the bill; but he was far from being satisfied that the argument was solid or conclusive. If the principle of distribution could be confined to the proceeds of the lands, he would acknowledge that his objection to the principle would be weakened.

He dreaded the force of precedent, and he foresaw that the time would come when the example of the distribution of the proceeds of the public lands would be urged as a reason for distributing the revenue derived from other sources. Nor would the argument be devoid of plausibility. If we, of the Atlantic States, insist that the revenue of the West, derived from lands, should be equally distributed among all the States, we must not be surprised if the interior States should, in like manner, insist to distribute the proceeds of the customs, the great source of revenue in the Atlantic States. Should such a movement be successful, it must be obvious to every one, who is the least acquainted with the workings of the human heart, and the nature of Government, that nothing would more certainly endanger the existence of the Union. The revenue is the power of the State, and to distribute its revenue is to dissolve its power into its original elements.

All must see and deplore the conflict of interest which had grown up under the system. In the West, there is the great question of the public lands. In the South, that of free trade. In the East, the tariff, or the protection of those interests which have grown up under the existing system of taxation. So there must be added a question of a more general nature, but not much less important. He referred to the currency. The most unthinking must see that these great distracting questions endangered the existence of the Union itself. He knew not that it could survive their shocks, but was satisfied that its security would require an early adjustment.

As to the particular question under consideration, he, individually, would prefer an adjustment founded on the application of the proceeds of the lands to opening the great arteries of inter-communication between the parts of the country, in which the States where the lands are situated are more particularly interested. But in the present state of things, that would be impossible. The whole South, and particularly the State which he had the honor to represent, had insuperable constitutional objections, which ought to be respected. They could not be overcome but by an amendment of the constitution. He had been of opinion, for several years, that the wisest course, under our existing difficulties, would be to convene the stockholders—to call a meeting of the States in convention—the very power which formed the system, and which alone had adequate authority to terminate these dangerous conflicts. He feared, however, that the course was too rational to be adopted; that passions and prejudices were too strong, at this moment, to act deliberately on this great subject. Still, he did not despair—time and reflection might do much; and as there could not be much danger from a delay of a few months, he had made the motion to postpone the subject until the commencement of the next session, when he would be prepared to use his hearty co-operation to bring the subject, if possible, to a satisfactory adjustment.

Mr. CLAY objected to the postponement. He saw no sufficient reason for it. The Senate had been occupied for weeks in carrying the bill thus far; and if it were now postponed, there was no prospect that December next would present circumstances any more favorable for its passage than those of the present time. If the Senate should wait for a convention of the States, as suggested by the Senator, for a meeting of the stockholders of the public lands, he feared it would be long, very long, before this bill would pass. [Mr. CALHOUN assented.] The Senator thinks that the Union cannot be preserved under such evils as this bill is calculated to bring upon the country. Sir, I believe it is impossible to destroy the Union. It is bound together by every consideration of principle and mutual advantage. The suggestion of the Senator itself requires that the bill should go on this session. It is felt every where that no question is of more importance than the public lands; and it is becoming every day more and more important. Sir, I congratulate you, the Senate, and the country, that an amicable, propitious, and just settlement is in prospect, of this great question.

Mr. C. inquired how this question would be settled next December? By appropriating the whole land revenue to the purpose of internal improvement? But the Senator himself had said that such an adjustment of the question would never be acquiesced in by the South. What new mode of adjustment does he propose? Sir, let us take these great and important questions one by one, and dispose of them in succession, without confusion. The subject of the public lands is now before us; let us settle it now. This bill may merge itself in internal improvement; and if it pass, it may also settle that other great question. Every consideration of peace and harmony urge us to allay divisions now, and, above all others, the passage of this bill.

The Senator says the bill is unjust. I should like to hear from him in what respect it is unjust. He says it is dangerous. Sir, we will endeavor to place this subject on safe ground. Both last session and this, particular care was taken to restrain the scope of the bill. It cannot be applied to a distribution of the general revenue. But even if it could, the precedent is already established. The practice of such distribution of the general revenue has been coeval with the Government. I hope there will be a general acquiescence of the Senate in the passage of the bill, that it may go to the House to meet its fate. I regret any disposition unnecessarily to retard its progress.

The question of postponement resulted as follows: Yeas 21—Nays 24.

The bill was then passed by the following vote:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Wilkins—24.

NAYS.—Messrs. Benton, Black, Brown, Buckner, Calhoun, Forsyth, Grundy, Hill, Kane, King, Mangum, Miller, Moore, Rives, Robinson, Smith, Tipton, Tyler, White, Wright—20.

The Senate adjourned.

MONDAY, JANUARY 28.

SOUTH CAROLINA.

The Senate, agreeably to the order of the day, proceeded to the consideration of the resolutions offered by Mr. CALHOUN, in reference to the powers of the General Government when in conflict with those of the States.

The resolutions were read, and also the resolutions moved by Mr. GRUNDY by way of amendment or substitute therefor. When

Mr. MANGUM rose and stated, that it was on his motion, some days ago, that these resolutions had been postponed, and made the order for to-day. The motives which had governed him, in making the motion at that time, operated on him at this moment to make a further postponement. He could not perceive that there was any good which was likely to arise, either to the country, or to the individual State which was immediately concerned, from the present discussion of the momentous principles which were involved in these resolutions, and the only effect of which would be to create an excitement mischievous in its tendency, and the issue of which could not be anticipated. It had been his hope that before this time there would have been a salutary action of the other branch of the Legislature, which would have dispensed with the necessity of any hasty action of this branch on a subject of such vast importance. With a view to the restoration of tranquillity, he had hoped that the measure now pending in the other House would have been by this time brought to a happy result; and that by this result the discontents which, in a particular manner, existed in one State of the Union, and which, in a less degree, prevailed in many others, would have been conciliated and soothed into harmony. He was aware that, in a certain quarter, there was a strong disposition to press upon the public mind, and to bring to a conclusion, the vital question which now agitated the people. But having, as he believed he had, accounts of the movements in that quarter, on which he could place the most implicit reliance, he entertained the belief that there was no ground to apprehend any dangerous movements. He still continued to hope, for he yet preserved his confidence in the good feeling, the justice, and the conciliating disposition of Congress, that the bill now pending in the other House would be passed without further delay, and that thus tranquillity would be substituted for the discontents which were now so prevalent; and cherishing this hope, he intended now to move to postpone the further consideration of these resolutions and the amendment until Thursday next, and to make them the special order for that day. He would state at this time, that if there should have been no special action in the House upon this subject before that time, he should then be induced to move a further postponement of the resolutions for a few days. He therefore expressed his hope that they who were understood to be the personal friends of the Executive would make exertions to bring the matter to a peaceful issue, by urging the progress of the bill which was now pending; and that they would not, by pressing, at this moment, topics of so momentous a character, evince a disposition to prevent the other branch from having ample time for full deliberation and discussion. He did not intend, by his motion, to cut off debate, or to prevent the final action of Congress on the resolutions, as well as on all the great subjects which had now been submitted for legislative deliberation. He would now move the postponement which he had indicated; and he appealed to the gentleman from South Carolina to accede to his proposition, and still to evince a disposition to trust that the sense of justice, and the love of peace and of union, would operate in Congress with such force, that all these exciting questions would be settled to the satisfaction and happiness of all. He then moved to postpone the further consideration of the resolutions and amendments, and to make them the special order for Thursday next.

Mr. **FOOT** suggested to the Chair that there had been offered by the Senator from Delaware [Mr. Clayton] another set of resolutions, as an amendment to the amendment offered by the gentleman from Tennessee, which were also ordered to be printed. He asked for the reading of these resolutions.

Mr. **CLAYTON** rose, and requested the Senator from North Carolina to withdraw his motion to postpone, in order to allow him the opportunity of offering, by way of amendment, the resolutions which he had already laid on the table.

Mr. **MANGUM** withdrew his motion.

Mr. **CLAYTON** then moved to amend the amendment offered by Mr. Grundy, by inserting the resolutions which he had laid before the Senate on Friday last. He expressed his entire acquiescence in the motion to postpone; and one of his reasons for this acquiescence was, that, standing among the resolutions, if this subject were now to be taken up for discussion, it must, of necessity, give way at one o'clock to the special order of the day; and he wished that a debate so important in its character should be uninterrupted.

Mr. **MANGUM** now renewed his motion to postpone. In doing this, he expressed a hope that the gentleman from South Carolina would not suppose that he had any desire to give the go-by to his resolutions, or to prevent them from being submitted for the solemn deliberation of the Senate.

Mr. **WEBSTER** then rose and said, that, for one, he was disposed to allow the gentlemen from South Carolina to select their own time for the consideration of these resolutions; and, so far as they were concerned, he would be entirely unwilling to interrupt any arrangement which might be made between the Senator from South Carolina and the gentleman from North Carolina. But if he rightly understood the motives by which the Senator from North Carolina had avowed himself to be actuated, the very same motives which now operated upon him to move the postponement of these resolutions, might, in ten minutes more, when the special order should be taken up, induce him to move also the postponement of the bill. He perceived that he did not misunderstand the object of the honorable Senator; and if that gentleman should make such motion in reference to the bill, he, for one, would be found voting in opposition to the motion. It was his wish to go at once into the consideration of these important topics, and not to shun or to postpone the discussion. He would himself prefer that the resolutions and amendments should be made the special order of the day, so that they might be taken up and discussed in connexion with the bill itself, and thus the widest range of debate would be opened. But in that view, also, he had the utmost disposition to defer to the wishes of the gentleman from South Carolina. Should it be the desire of that gentleman that the subjects be taken up for consideration separately, and apart, he would at once yield his own inclinations. But he could not consent to postpone the discussion of the bill until Thursday. If the gentleman from South Carolina desired to postpone the consideration of the resolutions, and to go at once into deliberation on the provisions of the bill, that gentleman should have his vote in carrying his wishes into effect.

Mr. **CALHOUN** suggested that perhaps the object of all might be accomplished, were the gentleman from North Carolina so to modify his motion, as merely to postpone the further consideration of the resolutions until to-morrow. He understood the Senator from North Carolina as signifying his assent to this suggestion.

But before he resumed his seat, he had to make a request of the Senator from Tennessee, as an act of justice—a sheer act of justice—which he had a right to claim at his hands, that he would withdraw the amendment which he had offered as a substitute for his resolutions. The State of South Carolina, acting in her sovereign capacity, and in defiance of the rights reserved to her by the constitution, had found it necessary to annul an act of Congress. The President of the United States, considering the State as a mere mass of individuals, assuming to exercise rights to which they were not entitled, had recommended to Congress the adoption of certain measures; and to this recommendation the Committee on the Judiciary had responded. He, standing there as one of the representatives of the State of South Carolina, most unworthy to represent her at such an awful crisis, had submitted a series of propositions, with a view to bring the true question at once before the world. He had drawn up these resolutions with the utmost care, and with the most scrupulous attention to the meaning of the language; he had not admitted a proposition which was not true—he did not intend to say merely which he did not think to be true, but which was not actually true. This, then, was the plea in bar which he had put in on the part of South Carolina. He had interposed between the President of the United States and the State of South Carolina this plea in bar.

He had interposed the constitution between South Carolina and the bill which had been reported by the Committee on the Judiciary, at the recommendation of the Executive—a bill which he viewed as worse than an abomination—a bill to create a dictator, to erect a military despotism, and, let it be disguised as it might, to make war upon a sovereign State. As the plea of South Carolina in bar against this bill, he had interposed that sacred—did he say sacred?—No, no, that despised instrument, the constitution, in the hope that it might arrest the step of unhallowed power, and bring back the measures of the General Government to the limits of constitutional right. And how had he been met, when he put in their plea? Instead of being met by a plain and manly denial of the facts stated in his resolutions, another plea had been put in, in opposition to his; and the result was, that they must be both considered in conjunction with each other, and that thus his propositions would not be disposed of in reference to the single principles which they declared.

There never was an individual, however culpable, who, standing in the situation of a common culprit, whatever the nature of his crime, was not allowed, as a matter of right, to put in his own plea. But, in this case, the plea of a sovereign State of the Union was overlaid by another plea, with a view to prevent a judgment on its merits. He demanded, therefore, of the Senator from Tennessee to withdraw his amendment, in order that the question might not be subjected to embarrassment and difficulty, but that it might be taken on the facts laid down in the resolutions, and with a view to the argument by which those facts were to be sustained—facts and arguments which were so clear that no one could entertain a doubt respecting them. He concluded with a request that the Senator from Tennessee would withdraw his amendment.

Mr. **GRUNDY** said that he never in his life had felt an unwillingness to do an act of justice; but that the conclusion as to what was an act of justice, must, in some degree, be decided by his own judgment. The gentleman from South Carolina had introduced certain resolutions which coincided with the particular views of the State which he represented.

Mr. **CALHOUN** explained—which stated the views on which the State of South Carolina had acted; and which, if true, must be received as a complete bar to the bill.

Mr. **GRUNDY** resumed, stating that he had introduced his views, differing from those of the gentleman from South Carolina, in the shape of an amendment to the original resolutions. He considered this course as strictly parliamentary, notwithstanding the objection which had been urged against it on the ground of justice; and on this ground a demand was made upon him to withdraw his amendment. He could not comply with this demand at the moment, but he was willing to take the subject into consideration; and if the debate on the resolutions were postponed, he should then have more time allowed him for reflection. While he was up, he begged leave to say a word upon another subject. This measure, which had emanated from the Committee on the Judiciary, on the recommendation of the President, had been called a repeal of the constitution, as tending to the destruction of our confederacy, and erecting a military despotism on its ruins. Such was not the fact. The bill was a pacific measure; its object was to prevent any mischievous collisions, to prevent brothers from shedding their brothers' blood, and engaging in hostile strife to the dismemberment of the Union. Instead of denouncing this bill as waging war with South Carolina, it would be much wiser to go at once into deliberation upon the bill, and to examine what its provisions were. The committee who had reported it were of the opinion that they could demonstrate that, instead of having any of the injurious consequences which had been charged against it, it would have the effect of preventing the collisions which were apprehended, and of preventing the citizens of the State of South Carolina from coming into hostile conflict with the citizens of any other State. He thought it would be much better to go at once into the consideration of the subject, and determine whether or not the committee had mistaken their course, and had adopted measures which would lead them from their object. This would, in his opinion, be the proper mode of action for the Senate. He would wish to see the resolutions made the order of the day for this day; they would then be taken up in conjunction with the bill, and both the subjects would be discussed together. Such seemed to him to be the most correct course. But he would not be drawn further into the debate, but would avoid, as he always had avoided, premature discussion.

Mr. CALHOUN replied. He stated that he was aware that the course of the Senator from Tennessee was a parliamentary course, but he was compelled to withhold his assent to its justice. When the original resolutions and the amendment were under consideration together, it would be out of order to separate the motion to strike out and insert. That motion was indivisible; and it was his wish to have the propositions distinctly and separately considered. As to the provisions of the bill, he would only say—God deliver him from the operation of such a bill! It offered peace, while all its provisions looked to a state of conflict. It proposed to arm the President with all the military and naval power, and it further proposed to close the courts of justice of the State. It thus trampled the State of South Carolina in the dust. The peace which the bill offered was peace coerced by power. If the gentleman from Tennessee was really desirous of peace, if he was sincere in his wish to allay the prevailing discontent, the way to his object was a plain and an open one. In his message, at the commencement of the session, the President had declared the existing tariff law to be unjust and oppressive, and that it ought to be modified to the scale of the necessary expenditures of the Government. The State of South Carolina had asked nothing beyond this. If Congress should repeal the existing law, and reduce the scale of duties, or if they were to separate the principle of protection from that of revenue, and adopt the latter, then he believed that there would no longer be heard any complaint from South Carolina; but that she would cheerfully acquiesce, and bear her share of the public burdens. These were the two modes by which the existing discontents could be allayed, and harmony and security might be restored. He hoped that, on reflection, the gentleman from Tennessee would withdraw his amendment. But if he would not consent to do this, he (Mr. C.) should, at a proper time, move an amendment to the amendment of the gentleman from Tennessee, of which he would now ask the reading.

The amendment was then read; after which, it was laid on the table, and ordered to be printed.

Mr. GRUNDY said he desired to ask permission of the Senate to make one declaration now, which he hoped would be remembered here and elsewhere. The gentleman from South Carolina had said to-day, and the colleague of that gentleman had made a similar declaration some days before, in a way which he was sure they had not intended, that if Congress would repeal the existing tariff law, there would no longer be any discontent in South Carolina. Now, he wished to say, that he had never given the least aid in passing the tariff law, and he was perfectly ready now to go into an examination of the law, and to make almost any modifications in the scale of duties, although he might not, perhaps, be able to go quite so far as the gentleman from South Carolina would go. And he wished now distinctly to say, that when he raised his voice for the measures which had been recommended and reported, it would not be because he was in favor of the tariff. No, he abhorred the tariff. But it was in behalf of the Union, and to perpetuate the peace and happiness of all the States, that he should desire to be heard advocating these measures. Whenever, therefore, it should be urged against him that he was not laboring to bring down the tariff to the scale which was recommended by the President, and to remove the oppression of its provisions from the shoulders of any State of the Union, it would be an unjust charge. It had been remarked by the gentleman from South Carolina, that the bill reported by the Committee on the Judiciary closed the ports of South Carolina. To that remark he would answer, by asking if South Carolina had not legislated the United States out of the limits of that State? The object of the bill was to bring back the United States within the jurisdiction of the State by a constitutional process only. The committee might have gone, perhaps, too far; but such was their object.

Mr. CALHOUN said that the gentleman from Tennessee had asked, "Had not the State of South Carolina legislated the United States out of her limits?" He would answer, No! not in the slightest degree. The State of South Carolina had done nothing more than to resort to the exercise of her delegated powers, for the purpose of preserving her reserved rights. She had looked to no object beyond the defence of her reserved rights; and what were the means which she had resorted to for the protection of these rights? Did she resort to force? No. She had done nothing more than to meet process by process, and in this peaceful mode to offer the resistance which it was her duty to make. And after she had done this, up rose the monstrous giant of the United States, with his hundred arms, and, stepping forward, declared that he would put down that resistance by the interposition of his superior strength.

Mr. WEBSTER then obtained the floor. Nothing, he said, could have been more irregular than the whole of this debate, and he could not avoid the expression of his surprise that the Senators should have gone so far from the question. The question before Senate was simply as to the time to which the resolution should be postponed, and on this unimportant question gentlemen had shown a disposition to rush at once into the discussion of the general subject. If Senators were disposed to act, as there seemed to be some indications that they would, on a notion of policy, that the first and most effectual mode of injuring a measure was to give it a bad name; that the first principle of attack was to controvert beforehand, and to raise, previous to the discussion of the bill, a cry which might operate on its progress, and afterwards provoke its echo throughout the country; then they had a right to pursue the course which was thus indicated. But he, as a member of the Committee on the Judiciary, who had reported the bill which was the special order for this day, could not remain silent in his seat while the gentleman from South Carolina charged him with having assisted, and been art and part in making a bill, which he had designated as worse than an abomination—a bill to create a dictator, to establish a military despotism, and the like. He denied that such was the fact, and he proposed, at a proper time, to try conclusions with the gentleman on this point. He wished in no degree to avoid such a conflict. Nor did he intend to utter any denunciations against opposition to the bill. Whenever it should become necessary, he would be ready to assign the reasons which had induced him to give his assent to the bill. But he would ask, why was this discussion to be precipitated? Why was it not postponed until the proper time for bringing it on? A bill to create a dictator, to establish a military despotism, reported by one of the standing committees of the Senate, and he a member of that committee! He called on the gentleman from South Carolina to prove the allegations he had made. He called on him to sustain the grave charge which he has thus thrown out in the face of the country.

The gentleman from South Carolina had laid it down, and with an air of sincerity which he did not intend to depreciate, that the resolutions which he had offered contained indubitable facts. Now he (Mr. W.) disputed these facts, and he would take issue with the gentleman from South Carolina on that point. [Mr. CALHOUN:—I will meet it.] He denied that they were facts, and he should be happy to meet the gentleman from South Carolina on that head. But when that gentleman threw out the idea that no one could deny his propositions, he took a very bold ground, and narrowed down the power of denial within very confined limits. To assert such a position was, in fact, a declaration of his own infallibility. The author of Hudibras made his hero see truth. He (Mr. W.) did not pretend to have had this personal acquaintance with truth; but, if to a mind as humble as his, the features of truth were ever exhibited, he was not able to identify them in the propositions of the gentleman from South Carolina. But there would be a proper time to go into this discussion. He wished to see that time arrive, and he was prepared to proceed immediately with the discussion of the bill. Whenever the discussion should come on, he should feel it incumbent on him to show that there was no provision, no principle contained in this bill, which was not in strict conformity with the constitution, and in harmony with other measures which had been adopted by the Government. And if it were proper on this occasion to use what was called the *argumentum ad hominem*, he should also be ready to show that there was not a provision contained in this bill, with the exception of part of the first section, which had not, at some time, received the sanction of South Carolina herself. But of that he should have something to say at a proper time. He had risen, intending only to say that these points ought not to be discussed beforehand, and that this bill ought not to be placed in a worse situation than a common criminal. The right of the criminal it was, to be heard first, then tried, then judged of. He claimed for this bill that it should be first heard, then tried, and then judged of; and not that it should be judged of without trial or hearing. He repelled the charge that the bill was to create a dictator, to establish a military despotism, and to repeal the constitution, and crush a sovereign State. This was, indeed, a high sounding indictment; but he called on the Senate to try it, and not to receive it as proved without a trial.

Mr. CALHOUN said that if he possessed the wit of the author of Hudibras, he would not think of employing it on so solemn an occasion. It was no part of his policy, it was not his intention to give to the bill a bad name in advance for the purpose of enlisting prejudices against it. While acting in defence of her rights, the State of South Carolina had been cruelly denounced as setting herself up in wanton hostility against the General Government, as exciting rebellion, and intending to break down the Union; and her sons had been stigmatized as traitors. It was not so. The gentleman from Massachusetts had said that, saving the first section (a prudent reservation) all the provisions in the bill had at some time received the sanction of South Carolina. It was not so. To the peculiar perceptions of that gentleman such may appear to have been the fact, inasmuch as he regarded the State as merely a mass of individuals—a body of smugglers, perhaps; but he would be unable to discover, in any one of the acts of the State of South Carolina, a sanction of the right which was now assumed, to put down a sovereign State by force.

Mr. WILKINS then moved to lay the resolutions and amendments on the table, for the purpose of proceeding to the special order of the day; but having withdrawn his motion,

Mr. POINDEXTER rose to ask the Chair whether it would be in order to move an amendment to the motion of the gentleman from North Carolina, the object of which was to include in the motion to postpone the various resolutions; a motion also to postpone the consideration of the bill itself. If such an amendment would be in order, he would now move it.

The **CHAIR** decided that the motion would not be in order.

Mr. POINDEXTER then said that he would not go into the consideration of the principles which were involved in the resolutions. Such examination would be now out of place, and would be calculated to produce a premature excitement throughout the country. Whenever the bill should come up for discussion, he should hold himself prepared to sustain the opinions he had advanced—that the bill, as it had been reported, was a repeal of the constitution, and an investment of despotic power in the President of the United States.

But this was not the question before the Senate. What was the question? A string of resolutions were before the Senate, which went to the fundamental principles of the constitution, and to their practical operation. A discussion upon these important points would therefore be, in its character, a debate tending to the settlement of first principles. Then there was a bill which, although general in its features, was reported with a mental reservation, that its operation was to be confined to one State only. He asked the gentleman from Massachusetts, why it was, that, as a member of the Judiciary Committee, he had not looked the mischief full in the face, and reported a measure simply to punish the refractory State? Why was the bill so constructed as to pervade the whole Union, with such a reservation, when no one would deny that the sole intention was to operate against South Carolina? He asked, if on its face it was a bill the provisions of which were limited to South Carolina? Certainly not. It is a measure of a permanent character, co-extensive with the confederacy; and as such he intended to consider it. Every gentlemen ought to see the excitement which prevailed throughout the country, and that the Union of the States was endangered. To prevent such a catastrophe, he would direct all his efforts and his vote. What was the fact? The President had, in his opening message, told Congress that the duties, as they were laid in the existing tariff law, were onerous and oppressive, and that they ought to be reduced to the standard of the necessary revenue.

The Secretary of the Treasury had carried out the idea of the President, and had recommended a reduction principally on the protected articles. In the House of Representatives there was a bill pending, which had been founded on these views, and it was hoped that this bill would be speedily passed. Thus, then, there was an intermediate and an alternate course which offered themselves for selection. The intermediate course was to modify the existing tariff, according to the recommendations of the President; and to effect which a bill was now on its passage. The ultimate measure was to arm the President with the power to coerce the State of South Carolina into obedience to the existing law. Was it not wrong to discuss the ultimate measure while the intermediate measure was before the House? Suppose that the House were to pass the bill, would there then, he asked, be any reason for the passage of this bill? Certainly not. But suppose that the Senate were to pass this bill, and the bill of the House were also to be passed, this bill would then fall to the ground as of no effect.

It appeared to him that the wisest course of legislation would be to wait and see the conclusion of the measure which was before the House; and if it should be concluded not to carry out the recommendation made by the President at the commencement of the session, then it would be time enough to take up the bill. But the discussion of this bill now would be premature, and only calculated to put the country in a blaze, and would destroy all prospect to the end of the session of effecting any modifications in the provision of the tariff. What, then, would be the result? The result would be strife and confusion. It would result in the shedding the blood of brethren by brethren, in the marching of troops from the East and the North, and in what ought emphatically to be called a spinning-jenny war. What reason could be assigned why the Senate should not pause, and see what would be the action of the House? Would they urge the ulterior before they had discovered that the intermediate measure would fail, and, while the other branch was engaged in the modification of the tariff, clothe the Executive with authority to execute the hostile provisions of this bill? It would, in his opinion, be a salutary course to postpone the further consideration of the whole subject until Thursday, or even Monday; and by that time it might be known what had been done with the bill by the House, and what was the prospect of a settlement of this question without further distraction of the country.

Mr. MANGUM said that, at the instance of the gentleman from South Carolina, he would modify his motion so as to stand a motion to make the resolutions and amendments the order for Thursday. They could then be discussed in conjunction with the bill.

Mr. FORSYTH said he should wish to understand the motion and its effect—which subject would stand the first for discussion on the special order?

Mr. WEBSTER—The bill.

Mr. FORSYTH—Then I am satisfied.

The **CHAIR** then decided that the bill would have precedence on the special orders, and come up the first for discussion.

Mr. CALHOUN remarked, that the effect of the adoption of the bill would be the destruction of the resolutions.

Mr. WILKINS said, if there was any doubt on the subject of precedence, he would move to lay the resolutions and amendments on the table.

The **CHAIR** repeated, that there could not be any doubt but that, in point of fact, there was but one special order, and that was the bill.

Mr. CALHOUN said, that if he had any control over the resolutions, he would wish that they should be laid on the table, so that they might be subject to a motion to take them up at any time. He would merely add that he felt as deep a conviction, in his own mind, of the truth of the propositions contained in his resolutions, as of the fact that the gentleman from Massachusetts was now sitting in his chair.

Mr. WEBSTER—I do not doubt it.

On motion of **Mr. WILKINS**, the resolutions were then laid on the table, together with the various propositions of amendment.

REVENUE COLLECTION BILL.

The Senate then took up the following bill, reported by Mr. WILKINS, from the Committee on the Judiciary, on the 21st instant.

Be it enacted, &c. That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or unlawful threats and menaces against officers of the United States, it shall become impracticable, in the judgment of the President, to execute the revenue laws, and collect the duties on imports in the ordinary way, in any collection district, it shall and may be lawful for the President to direct that the custom-house for such district be established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessel; and, in that case, it shall be the duty of the collector to reside at such place, and there to detain all vessels and cargoes arriving within the said district until the duties imposed on said cargoes, by law, be paid, in cash, deducting interest according to existing laws; and in such cases it shall be unlawful to take the vessel or cargo from the custody of the proper officer of the customs, unless by process from some court of the United States; and in case of any attempt otherwise to take any vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, it shall and may be lawful for the President, of the United States, or such person or persons as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States, as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof; and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the revenue laws of the United States, or otherwise violating, or assisting and abetting violations of the same.

SEC. 2. *And be it further enacted,* That the jurisdiction of the circuit courts of the United States shall extend to all cases, in law or equity, arising under the revenue laws of the United States, for which other provisions are not already made by law; and if any person shall receive any injury to his person or property for or on account of any act by him done, under any law of the United States, for the protection of the revenue or the collection of duties on imports, he shall be entitled to maintain suit for damage therefor in the circuit court of the United States in the district wherein the party doing the injury may reside, or shall be found. And all property taken or detained by any officer or other person under authority of any law of the United States shall be irrepleviable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. And if any person shall dispossess or rescue, or attempt to dispossess or rescue, any property so taken or detained as aforesaid, or shall aid or assist therein, such person shall be deemed guilty of a misdemeanor, and shall be liable to such punishment as is provided by the twenty-second section of the act for the punishment of certain crimes against the United States, approved the thirtieth day of April, anno Domini one thousand seven hundred and ninety, for the wilful obstruction or resistance of officers in the service of process.

SEC. 3. *And be it further enacted,* That in any case where suit or prosecution shall be commenced in a court of any State against any officer of the United States, or other person, for or on account of any act done under the laws of the United States, or under color thereof, or for or on account of any right, authority, or title set up or claimed by such officer, or other person, under any law of the United States, it shall be lawful for the defendant in such suit or prosecution, at any time before trial, upon a petition to said court, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, which said petition and affidavit shall be presented to said court, or to the clerk thereof, or left at the office of the said clerk, to remove the said suit or prosecution to the circuit court of the United States then next to be holden in the district where the said suit or prosecution is commenced; and, thereupon, it shall be the duty of the said State court to stay all further proceedings therein; and the said suit, or prosecution, upon presentment of said petition or affidavit, on leaving the same as aforesaid, shall be deemed and taken to be removed into the said circuit court; and any further proceedings, trial, or judgment therein, in the said State court, shall be wholly null and void; and on proof being made to the said circuit court of the presentment of said petition and affidavit, or of the leaving of the same as aforesaid, the said circuit court shall have authority to entertain jurisdiction of said suit or prosecution, and to proceed therein, and to hear, try, and determine the same, in like manner as if the same had been originally cognizable and instituted in such circuit court. And all attachments made, and all bail and other security given upon such suit or prosecution, shall be and continue in like force and effect, as if the same suit or prosecution had proceeded to final judgment and execution in the State court. And if, upon the removal of any such suit or prosecution, it shall be made to appear to the said circuit court that no copy of the record and proceedings therein in the State court can be obtained, it shall be lawful for said circuit court to allow and require the plaintiff to proceed *de novo*, and to file a declaration of his cause of action; and the parties may thereupon proceed as in actions originally brought in said circuit court; and on failure of so proceeding, judgment of *non pros.* may be rendered against the plaintiff, with costs for the defendant.

Sec. 4. *And be it further enacted,* That in any case in which any party is, or may be, by law, entitled to copies of the record and proceedings in any suit or prosecution in any State court, to be used in any court of the United States, if the clerk of said State court shall, upon demand, and the payment and tender of the legal fees, refuse or neglect to deliver to such party certified copies of such record and proceedings, the court of the United States in which such record and proceedings may be needed, on proof, by affidavit, that the clerk of such State court has refused or neglected to deliver copies thereof, on demand, as aforesaid, may direct and allow such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow; and thereupon, such proceeding, trial, and judgment may be had in the said court of the United States, and all such process awarded, as if certified copies of such records and proceedings had been regularly before the said court.

Sec. 5. *And be it further enacted,* That, whenever the President of the United States shall be officially informed by the authorities of any State, or by the circuit and one of the district judges of the United States, in the State, that, within the limits of such State, any law or laws of the United States, or the execution thereof, or of any process from the courts of the United States, will, in any event, be obstructed by the employment of military force, or by any other unlawful means, too great to be overcome by the ordinary course of judicial proceeding, or by the powers vested in the marshal by existing laws, it shall be lawful for him, the President of the United States, forthwith to issue his proclamation, declaring such fact or information, and requiring all such military and other force forthwith to disperse; and, if, at any time after issuing such proclamation, any such opposition or obstruction shall be made, in the manner or by the means aforesaid, the President shall be, and hereby is, authorized promptly to employ such means to resist and suppress the same, and to cause the said laws or process to be duly executed, as are authorized and provided in the cases therein mentioned by the act of the twenty-eighth of February, one thousand seven hundred and ninety-five, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for that purpose:" and, also, by the act of the third of March, one thousand eight hundred and seven, entitled, "An act authorizing the employment of the land and naval forces of the United States in cases of insurrection."

Sec. 6. *And be it further enacted,* That in any State where the jails are not allowed to be used for the imprisonment of persons arrested or committed under the laws of the United States, or where houses are not allowed to be so used, it shall and may be lawful for any marshal, under the direction of the judge of the United States for the proper district, to use other convenient places, and to make such other provisions, as he may deem expedient and necessary for that purpose.

Sec. 7. *And be it further enacted,* That either of the justices of the Supreme Court, or a judge of any district court of the United States, in addition to the authority already conferred by law, shall have power to grant writs of *habeas corpus* in all cases of a prisoner or prisoners, in jail or confinement, where he or they shall be committed or confined on or by any authority or law, for any act done, or omitted to be done, in pursuance of a law of the United States, or any order, process, or decree of any judge or court thereof; any thing in any act of Congress to the contrary notwithstanding. And if any person or persons to whom such writ of *habeas corpus* may be directed shall refuse to obey the same, or shall neglect or refuse to make return, or shall make a false return thereto, in addition to the remedies already given by law, he or they shall be deemed and taken to be guilty of a misdemeanor, and shall, on conviction before any court of competent jurisdiction, be punished by fine, not exceeding ——— dollars, and by imprisonment, not exceeding ————, or by either, according to the nature and aggravation of the case.

Mr. MANGUM moved that the further consideration of the bill be postponed to and made the special order of the day for Thursday next; and upon this motion asked the yeas and nays, which were ordered.

The question being taken, it was decided in the negative, as follows:

YEAS.—Messrs. Bibb, Black, Brown, Calhoun, King, Mangum, Miller, Moore, Poindexter, Rives, Smith, Troup, Tyler, Waggaman, White—15.

NAYS.—Messrs. Benton, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Forsyth, Foot, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, Knight, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, Wilkins, Wright—30.

Mr. WILKINS rose in support of the bill. The position, said he, in which you, Mr. President, have placed me in relation to this body, imposes on me the duty of introducing the present bill to the Senate, and of explaining its provisions. In my mode of discharging this duty, I do not consider myself as the representative of other gentlemen on the committee; those gentlemen possess a competence, far beyond mine, to explain and defend the power of the General Government to carry into effect its constitutional laws. The bill is founded upon a message from the President, communicated on the 16th inst., and proposes to sustain the constitutionality of the doctrines laid down in that admired state paper. In the outset of the discussion, it is admitted that the bill points to an afflicting state of things existing in a Southern State of the Union; it is not to be disguised that it points to the State of South Carolina. It is not in the contemplation of the committee who reported this bill to make it assume, in any way, an invidious character. When the gentleman from South Carolina threw out the suggestion that the bill was invidious, he certainly did not intend to impute to the committee a design to give it such a character. So far from being invidious, the bill was made general and sweeping, in its terms and application, for the reason that this course was thought to be more delicate in regard to the State concerned. The provisions of the bill were made general, for the purpose of enforcing every where the collection laws of the Union.

The bill presents three very important and momentous considerations: Is there any thing in the circumstances of the country calling for legislation on the subject of the revenue laws? Is the due administration of those laws threatened with impediments? and is this bill suited to such an emergency? He proposed to consider those points, but in a desultory manner. He never shrunk from any moral or political responsibility, but he had no disposition (to use the words of the Senator from North Carolina) to "drum on public sensibility." Neither he nor the State which he represented had any influence in bringing up these questions, but he was prepared to meet the crisis by his vote.

It is time (continued Mr. W.) that the principles on which the Union depends were discussed. It is time that Congress expressed an opinion upon them. It is time that the people should bring their judgment to bear on this subject, and settle it forever. The authority of Congress and of the people must settle this question one day or other. There were many enlightened men in the country, men whose integrity and patriotism nobody doubts, who had arrived at opinions in this matter very different from his own. The Senator from South Carolina knows (said Mr. W.) the respect in which I hold him; but I am unwilling to take his judgment on this question as the guide of mine; and I will not agree that the Union depends on the principles which he has advanced. He has offered a document as a plea in bar; if it be established, then a bar is interposed between the powers of the Government and the acts of South Carolina.

The bill is of great importance, not on account of its particular provisions, but of their application to a rapidly approaching crisis, which they were intended to meet. That crisis was in the control of this body, not of any branch of the Government. He would ask the Senator from Mississippi [Mr. POINDEXTER] what authority he had to say that the passage of any bill reducing the tariff would avert the enforcement of the ordinance of South Carolina? He was unwilling to consider that Senator as the representative of the unlimited authority and sovereignty claimed by the State of South Carolina. He would now present to the Senate a view of the position in which South Carolina had placed herself, in order to justify the committee in reporting the bill under consideration. It was not, sir, for the purpose of establishing a military despotism, nor of creating an armed dictator, nor of sending into South Carolina military bands to "cut the throats of women and children," that the committee framed the bill. If any thing can ever establish a military despotism in this country, it is the anarchy and confusion which the principles contended for by the Senator from South Carolina will produce. If we keep together, not "ten years," nor tens of thousands of years, will ever bring the country under the dominion of military despotism. But adopt the principles of South Carolina—break the Union into fragments—some chieftain may bring the fragments together, but it will be under a military despotism. He would not say that South Carolina contemplated this result, but he did say that her principles would lead to it. South Carolina, not being able longer to bear the burden of an oppressive law, had determined on resistance.

The excitement raised in the State gave to the party a majority in the Legislature of the State, and a convention was called, under the provision of the State constitution authorizing its amendment. The convention met, and passed what is called the ordinance, establishing new and fundamental principles. Without repeating it, he would call the attention of the Senate to some few of its provisions. It overthrew the whole revenue system. It was not limited to the acts of 1828 or 1832, but ended with a solemn declaration that, in that State, no taxes should be collected. The addresses of the convention to the people of the United States and of the State of South Carolina used a tone and language not to be misunderstood. They tell you it is necessary for some one State to bring the question to issue—that Carolina will do it—that Carolina had thrown herself into the breach, and would stand foremost in resistance to the laws of the Union; and they solemnly call upon the citizens of the State to stand by the principles of the ordinance, for it is determined that no taxes shall be collected in that State. The ordinance gives the Legislature the power to carry into execution this determination. It contains within itself no seeds of dissolution; it is unlimited as to time; contains no restrictions as to application; provides no means for its amendment, modification, or repeal. In their private, individual capacity, some members of the convention held out the idea which had been advanced by some members of this House, that if the tariff law was made less oppressive, the ordinance would not be enforced.

[Mr POINDEXTER here remarked, that he said that any new tariff law, even if more oppressive than the law of 1832 were passed, the ordinance would not apply to it.]

If the terms of the ordinance are considered, (continued Mr. W.) there is no possible mode of arresting it; so sure as time rolls on, and four days pass over our heads, the ordinance, and the laws emanating from it, will lead to the employment of physical force, by the citizens of South Carolina, against the enforcement of the revenue laws. Although many of the most influential citizens of Carolina protested against the idea that any but moral force would be resorted to, yet the excitement and determined spirit of the people would, in his opinion, lead speedily to the employment of physical force. He did not doubt that the Senator from South Carolina abhorred the idea of force; no doubt his excellent heart would bleed at the scene which it would produce; but he would refer to a passage in the ordinance to prove that it was the intention of its framers to resort to force. Mr. W. here read the third paragraph of the ordinance.

"And it is further ordained, that it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by the said acts within the limits of this State; but it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of this State, from and after the 1st of February next; and the duty of all other constituted authorities, and of persons residing or being within the limits of this State, and they are hereby required and enjoined, to obey and give effect to this ordinance, and such acts and measures of the Legislature as may be passed or adopted in obedience thereto."

Does the shadow follow the sun? Even so surely will force follow the attempt to disobey the laws of South Carolina. In the last paragraph of the ordinance is this passage:

"Determined to support this ordinance at every hazard,"—and this declaration is made by a courageous and chivalrous people—"we do further declare that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience." This attempt, said Mr. W. is not made by this bill, or by any one. "But that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens, or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government to coerce the State, shut up her ports, destroy or harrass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union."

Force must inevitably be used in case any attempt is made by the Federal Government to enforce the acts which have been declared null and void. The ordinance clearly establishes nullification as the law of the land.

[Mr. MILLER: Will the Senator read a little further?]

Mr. W. finished the paragraph, as follows:

"And that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do."

They stop with nullification; but one step further on the part of the Government brings down secession and revolution.

Mr CALHOUN—It is not intended to use any force, except against force. We shall not stop the proceedings of the United States' courts, but maintain the authority of our own judiciary.

Mr. WILKINS—How can the ordinance refer to any laws of the United States, when they are excluded from any operation within the limits of the State? Why do the laws and ordinance of South Carolina shut out the United States' courts from appellate jurisdiction? Why do they shut the doors of the State courts against any inquisition from the United States' courts? They intend that there shall be no jurisdiction over this subject, except through their own courts. They cut off the federal judiciary from all authority in that State, and bring back the state of things which existed prior to the formation of the federal constitution.

Here nullification is disclaimed, on one hand, unless we abolish our revenue system. We consenting to do this, they remain quiet. But if we go a hair's breadth towards enforcing that system, they present secession. We have secession on one hand, and nullification on the other. The Senator from South Carolina admitted the other day that no such thing as constitutional secession could exist. Then civil war, disunion, and anarchy must accompany secession. No one denies the right of revolution. That is a natural, indefeasible, inherent right—a right which we have exercised and held out, by our example, to the civilized world. Who denies it? Then we have revolution by force, not constitutional secession. That violence must come by secession is certain. Another law passed by the Legislature of South Carolina, is entitled A bill to provide for the safety of the people of South Carolina. It advises them to put on their armor. It puts them in military array; and for what purpose but for the use of force? The provisions of these laws are infinitely worse than those of the feudal system, so far as they apply to the citizens of Carolina. But with its operations on their own citizens, he had nothing to do. Resistance was just as inevitable as the arrival of the day on the calendar. In addition to these documents, what did rumor say—rumor, which often falsifies, but sometimes utters truth. If we judge by newspaper and other reports, more men were now ready to take up arms in Carolina than there were during the revolutionary struggle. The whole State was at this moment in arms, and its citizens are ready to be embattled the moment any attempt was made to enforce the revenue laws. The city of Charleston wore the appearance of a military depot. As a further proof of the necessity of this bill, he would read a printed paper, which might pass for what it was worth.

Mr. CALHOUN. What paper is it? Has it a signature?

Mr. WILKINS. It is a circular, but not signed. Mr. W. then read the paper as follows:

(*Circular.*)

"Charleston, *January*, 1833.

"Sir:—You will, on receiving this letter, immediately take the proper measures for the purpose of ascertaining at what points depots of provisions, say of corn, fodder, and bacon, can be established on the main roads leading through your district, at suitable stations, say from thirty to forty miles apart. Looking to the event of a possible call for troops of every description, and especially of mounted men, in a sudden emergency, you will ascertain the routes by which they could most conveniently pass through your respective districts, and the proper points at which they may put up after the usual day's march. Having settled this, the next point will be to inquire whether there are any persons at or near those points, who would undertake, on terms to be stipulated, to furnish corn, fodder, and meat, in what quantities, and at what notice? It is desirable that this arrangement should be effected, so as to enable us to command an adequate supply in the event of its being wanted, without actually making purchases at present. If this be impracticable, however, you must then see on what terms purchases can be effected, where, and on what manner the articles can be deposited and taken care of? I will here give you a general outline of my scheme. I will suppose three great routes to be marked out from the mountains towards the sea: one leading from Laurenceville, through Newberry, to Columbia; another from Yorkville and Union, by Winsboro' and Chesterville, to Columbia; and the third from Pendleton, through Abbeville and Edgefield, Burnwell, and Colleton, to Charleston. Along these routes depots would have to be established at intervals of thirty or forty miles, besides separate depots at Camden and some other places. From Columbia these stations would be necessary along the State road to Charleston. But one other route would then, perhaps, be necessary to be provided for, beginning at Darlington Court-house, and ending at Georgetown; one station to be at Kingstree, and another at Lynche's Creek. From all other places some one of these stations might be struck. I present this imperfect outline merely to give you some idea of my general scheme. Your particular attention will, of course, be directed to your own district; and, if you find it necessary, you may call in my aids from the adjoining districts, and such staff officers as you may think proper, and consult with them as to the best method of connecting the districts by some general plan, and favor me with the result.

"Another object to which I would call your early and particular attention, is the state of the arms, public and private, in the hands of the men. Great numbers have been issued from time to time, especially within a few years past. I wish to know how many of them may be relied on in the event of actual service. For this purpose, it must be ascertained, from actual inspection or otherwise, how many men in each company have muskets, rifles, or other arms fit for use; and any unfit for use must be repaired. The latter must be collected together and repaired, if it can be effected in your neighborhood; and, if not, they must be boxed up and sent to Charleston; when, after being repaired at the public expense, they will be returned to the companies to which they may belong. To execute the arduous, responsible, and difficult duties imposed by this order, you are authorized to call to your assistance all the officers of the staff within your district; and, if further assistance is wanted, additional officers will be appointed. The travelling expenses of yourself, and such officers as you may employ in this business, will be paid. You will issue the necessary orders in my name, countersigned by yourself as aid-de-camp, to all officers within your district, urging them to do whatever you may find necessary to the prompt and effectual execution of this order. You will, when convenient, call upon the brigadier or major generals, within your district, for their co-operation and assistance, and, generally, adopt all proper measures for the accomplishment of the important objects which I have in view, which may be stated in a few words to be, to secure the means of subsistence, so as to be enabled to bring troops to any given point in the shortest possible time—to ascertain the state of the arms now in the hands of the men—and to have those unfit for use put in complete order. If any other means occur to you of accomplishing, in the promptest manner, these vitally important objects, you will be so good as to suggest them.

"I am, very respectfully, &c.

"N. B. I annex the form of three orders, which you may find it necessary to extend, to enable you to accomplish the objects we have in view. You may modify them as you think proper, and then have copies served on each of the officers, who may be required to execute them within your district. They are not to be published in the papers. Copies of all such orders as you may issue must be sent to me."

Adverting to another circumstance, as tending to show the excitement prevailing in South Carolina against the General Government, Mr. W. said, that in every part of the State, the blue cockade, with the Palmetto button, was generally worn. That bit of ribbon, and the button, were no trifling sign of the military spirit prevalent among the people.

It seemed to him, indeed, from all these facts, known to us, officially and by rumor, that it was impossible to avoid a collision with South Carolina, while her ordinance remained in force; and that those gentlemen who represented that the passage of any bill by us would defeat the ordinance, and prevent a collision, had mistaken the sense of the ordinance, and the intention of the people of South Carolina.

[Mr. MILLER here interposed, and said he had not expressed the opinion that nullification would be abandoned upon the passage of a bill of any character in reference to the tariff. If Congress passed a bill altering the tariff acts of 1828 and 1832, he was of opinion that such act would set aside the ordinance, which was specific in its application to the tariff acts of 1828 and 1832. Even if a bill more oppressive than the existing acts should pass, the ordinance now existing would thereby be defeated, and South Carolina would be under the necessity of assembling another convention, and passing another ordinance.]

Mr. WILKINS found, he said, that he was not far from right. What prospect, then, was there of an abandonment, by South Carolina, of her present position? She offers us but two modes of adjusting the matter in dispute. The first is by the total abandonment of the protective system, by the admission of the whole list of protected articles free of all duty, and raising the whole revenue derived from duties on imports exclusively from the unprotected articles. The consequence of the adoption of this policy would be most fatal and disastrous to the industry of the Northern States. It would put the laboring classes of Pennsylvania on a footing with the paupers of the old world. It would prostrate at once and forever the policy which Pennsylvania had long cherished, which South Carolina had united with her in establishing and maintaining, and under which she was prosperous and happy. The admirable speech made by the Senator from South Carolina, in 1816, in favor of the protective policy, was engraved on the hearts of the people of Pennsylvania. In the dwellings of the farmer, the mechanic, and the manufacturer, it hung upon the wall, by the side of Washington's Farewell Address. He well remembered that speech, for it had a powerful influence on his own mind in relation to the policy of the protective system.

[Mr. CALHOUN here said, I thank the gentleman for alluding to that speech. It has been much and very often misrepresented, and I shall take an early opportunity to explain it.]

Mr. WILKINS—I shall be happy to witness the exhibition of the Senator's ingenuity in explaining the speech in such a manner as to make it accord with his present views. I should not have alluded to it, had not the Senator remarked upon the bill from our committee as a bill "of abominations."

Mr. CALHOUN—It requires no apology.

Mr. WILKINS proceeded to state the considerations which rendered a compliance with the terms proposed by South Carolina improbable, if not impossible. For his own part, he was free to say that he could not bring his mind to assent to so destructive a measure. He spoke only for himself. What were the views of others of this body on this subject he did not know, for he was not in the habit of making inquiries as to the opinions of others on such topics. Much as he loved the Union—much as he deprecated any collision between the State and Federal Governments—much as he was disposed to respect the opinions and wishes of a sister State—he would not himself assent to a total destruction even of incidental protection to our domestic industry. He would, however, go far, very far, even to the sacrifice of much of that protection which we claim as just and necessary; but to the point proposed by South Carolina as her *ultimatum*, he could not go.

He did not believe that there was any probability of the assent, on the part of Congress, to the first proposition of South Carolina. There was but one other proposition made by South Carolina for the adjustment of this controversy, and that was even less hopeful than the former. It was by the call of a general convention of the States, and the submission to them of an ultimate arbitrament on the disputed powers. Mr. W. was of the opinion that the division of the State representation assembled in convention on the matters in controversy would not differ from the judgment of the representatives assembled in Congress. He did not think it at all probable that the convention would either alter the constitution in respect to the powers of the Government over the subject of revenue, or that the protective laws would be pronounced by them unconstitutional, and null and void. But it was not at all probable that two-thirds of Congress and three-fourths of the States would agree to the call of a general convention. The people were averse to any change in the constitution, and were of opinion that it could not be amended for the better. For his own part, it was his earnest hope, and confident belief, that no change would ever be made in the terms of our admirable compact.

Here Mr. W. yielded to a motion for adjournment, and the Senate adjourned.

Tuesday, January 29.

THE COLLECTION BILL.

The subject again coming up—

Mr. WILKINS resumed his remarks on it. He commenced by stating that, on a proper occasion, he should move one or two amendments to the bill, one of which would be to limit some of its provisions to the end of the next session of Congress: the provisions which it contained for amending the judicial system, he presumed, there would be no objection to leaving, as they are in the bill, unlimited.

When the Senate adjourned yesterday, (Mr. W. continued,) I was speaking of the tariff system—of this system for the protection of American industry, which a vast portion of the American people believe to be intimately connected with the prosperity of the country. As a justification of the adherence, as far as practicable, to this system, he had had reference to the conduct of gentlemen from the South in regard to it. At one period, he now added, Maryland had been considered a Southern State, as she was still a slave-holding State: from the chief city of that State, directly after the meeting of Congress, under the constitution of 1787, a memorial was transmitted to Congress, reciting the weakness and inefficiency of the old confederacy, and its inadequacy to protect the manufacturing interests, and rejoicing that we had now a Government possessing all the necessary power to protect domestic industry, and praying the interposition of Congress for that purpose. Another incident he mentioned, which, he said, many members would recollect, of a member of Congress from South Carolina having, in the year 1809, offered a resolution proposing that all the members of Congress should appear, at the commencement of the next ensuing session, clad entirely in clothing of American manufacture. He had already adverted to the agency of the South in passing the tariff law of 1816, and now, said he, let me make a personal reference, in connexion with it, to another gentleman from South Carolina, now a member of this body, [Mr. Miller;] which reference I make with all possible respect for that gentleman. When the bill of 1816 was under discussion, that gentleman, then a member of the other House, made a motion, deeply interesting to Pennsylvania, and for which I, as one of her sons, feel grateful to him, to raise the duties on hammered bar iron (which the bill proposed to raise from nine to sixteen dollars per ton,) to twenty dollars per ton. Thus amended, the bill passed the House, but the duty was reduced in the Senate to sixteen. On the final passage of the bill, including that and other duties, three members only from South Carolina were present, and they all voted for the bill. Strange revolution of opinion! It is now contended by the same gentleman that a duty of eighteen dollars upon the same article, (two dollars below her own proposition,) as fixed by the tariff of 1832, is so onerous, oppressive, and tyrannical, that the whole country is to be involved in a civil war, if not only that, but every other protective duty be not abolished!

Mr. W. said he had also spoken, yesterday, in justification of the strongest provisions of this bill, of the talked-of resistance to the laws in South Carolina. He had understood the Senator from South Carolina, [Mr. Calhoun,] the other day, as acknowledging that there was military array in South Carolina, but contending that it followed and did not precede the array of force by the United States.

Mr. CALHOUN said he had admitted that there was military preparation, not array.

Mr. WILKINS said, if we examine the measures taken by the administration in reference to the present crisis, it would be found that they were not at all of that military character to justify the measures of South Carolina which it was alleged had followed them.

Mr. CALHOUN said that South Carolina was undoubtedly preparing to resist force by force. But, let the United States withdraw its forces from her borders, and lay this bill upon the table, and her preparations would cease.

Mr. WILKINS resumed. That is, sir, if we do not oppose any of her movements, all will be right. If we fold our arms, and exhibit a perfect indifference whether the laws of the Union are obeyed or not, all will be quiet! This, I admit, would be an admirable mode to avoid collision and prevent disturbance; but is it one that we can submit to? The moment we fail to counteract the nullification proceedings of South Carolina, the Union is dissolved; for, in this Government of laws, union is obedience, and obedience is union. The moment South Carolina—

Mr. CALHOUN—Who relies upon force in this controversy? I have insisted upon it that South Carolina relied altogether on civil process, and that, if the General Government resorts to force, then only will South Carolina rely upon force. If force be introduced by either party, upon that party will fall the responsibility.

Mr. WILKINS—The General Government will not appeal, in the first instance, to force. It will appeal to the patriotism of South Carolina—to that magnanimity of which she boasts so much?

Mr. CALHOUN.—I am sorry that South Carolina cannot appeal to the sense of justice of the General Government. [Order! Order! from one or two members.]

Mr. WILKINS.—The Government will appeal to that political sense which exhorts obedience to the laws of the country, as the first duty of the citizen. It will appeal to the moral force in the community. If that appeal be in vain, it will appeal to the judiciary. If the mild arm of the judiciary be not sufficient to execute the laws, it will call out the civil force to sustain the laws. If that be insufficient, God save and protect us from the last resort! But if the evil does come upon the country, who is responsible for it? If force be brought in to the aid of law, who, I ask of gentlemen, is responsible for it to the people of the United States? That is the question. Talk of it as you please, mystify matters as you will, theorize as you may, pile up abstract propositions to any extent, at last the question resolves itself into one of obedience or resistance of the laws—in other words, of union or disunion. Wherein (said Mr. W.) consists our liberty? What is the foundation of our political institutions which we boast of, which we hold up to the world for imitation, and for the enjoyment of which the votary of freedom pants in every country of the globe—what is it? It is that of a Government where the people make the laws, and where the people obey the laws which they themselves have made. That is our system of Government, and by a large majority of the people it is respected accordingly. Why, sir, (said Mr. W.) if you were to carry into effect the ultra doctrine of South Carolina at this moment, repeal your whole protective system, shut up our factories, stop our wheels, extinguish our fires, &c.—nay, ruin us by your legislation—yet would the people of Pennsylvania obey the laws, and abide your decision. But then they would appeal to the people; they would endeavor to bring public opinion to act upon Congress, and bear them back into the right course. They would appeal to moral influence, and to that alone.

I know (said Mr. W.) that the gentleman from South Carolina cannot anticipate the application of force in the case now presented; but I pray him, again and again, to advert to one particular paragraph of the ordinance. There were several cases in which the use of force is referred to in the ordinance, in which Mr. W. admitted the right to use it. If, for example, as in a case supposed, Congress intended to overrun and subdue the State of South Carolina, and overturn their liberties, he admitted the right of resistance by force. But, come down to the contingency in which the ordinance declares that force shall be used, and it is in the event of the attempt by the United States to enforce the execution of the revenue laws. "Enforce" is the word employed by the ordinance. For the meaning of this word it was not necessary to resort to Johnson or Webster: the law may be "enforced" by execution, by judicial process, by a simple demand of payment of duties by a United States' officer. It needs not the iron grasp of power, the naked sword, or the fixed bayonet, to constitute enforcement of the laws. You enforce the laws every day, and every hour of every day, in the most tranquil state of society. This enforcement of the laws it is which is, after the 1st of February, to be construed into an attempt to put down the people of South Carolina, and to justify the calling forth of thousands upon thousands of armed men to resist it.

Mr. W. here referred to the Charleston Mercury, which he held in his hands, containing the proceedings of a great meeting held at Charleston, South Carolina, on the 21st instant, among which were a number of resolutions, adopting the cockade to which he had reference yesterday, intermingled with notices of "Call to arms!" "Attention, volunteers!" &c.; and one of these resolutions (which he read) declares that the persons assembled at this meeting not only affirm the right of the State peaceably to secede from the Union, but are prepared, if needs be, to peril their lives in the assertion of this claim, &c. Yes, sir, said Mr. W., if not prevented, secession is at hand; for the very moment that the marshal of the district calls out the *posse comitatus*, and heads that posse to enforce a judgment of the federal court to compel the payment of duties on imports, (after the 1st of February,) then has the contingency occurred of an attempt to enforce the laws; then has secession become the alternative. With regard to secession, Mr. W. went on to cite cases to show the consequences to which the admission of this right in any State would lead, should other States adopt the heresy affirmed by the meeting whose proceedings he had read. This view of the subject he followed by saying, that nullification, unless merged in revolution, was not to be stopped. The honorable member had told the House, that laying this bill on the table, and passing the bill depending in the other House, would put a stop to nullification. But what surety was there even of this? After the 1st of February, nullification, with all its attributes and incidents, was to be in full operation in South Carolina. What would be its political operation? Where would it end? He put this question plainly to the gentleman from South Carolina. A convention of the States was out of the question; an amendment of the constitution was out of the question—where was the contest to end? Why, the laws must be suspended. South Carolina, whilst represented on this floor, (ably as she is, and he hoped long would be,) participating in the making of laws, would be obeying just such of them as she pleased, and no more—cutting and carving with her own sword to suit herself! What a state of things was this!

[Mr. CALHOUN here said, that South Carolina would be content to maintain this contest upon the principle of protection, paying, without objection, whatever taxes might be required to be levied for the purposes of revenue.]

Mr. WILKINS—If South Carolina appeals to the federal judiciary, she can bring up the question of the validity of any part of the revenue laws for decision, by the federal courts. Mr. W. had no doubt of the influence of the Senator from South Carolina over the people of that State, but no one had power to say what course that State would take if the suggestion of the Senator should be adopted. We must take this matter as we unfortunately find it. The merchants of Charleston may import goods free of duty, and the merchants of Baltimore, New York, &c. must pay duties. The people of South Carolina are exempt from all taxation by duties on imports, which is the only taxation known to our laws; and the people of the rest of the Union are compelled to pay taxes. South Carolina participates in the benefits, but not in the burdens of the Government. The ordinance, to this effect, South Carolina is pledged to maintain; and it declares that no power shall prevent free ingress and egress into and from her ports. Every stream of water in the limits of the State, accessible from the ocean, is made a free port. Wherever goods are introduced and landed, all obligation to pay the duties vanishes before the magical influence of nullification.

The State of South Carolina is, *quoad* the revenue laws, out of the Union. As to the revenue system, our fellow-citizens of South Carolina are gone from us. What, then, is to prevent the goods imported into the State from being distributed into every part of the interior and along the coast? A legalized system would be introduced—he would not say of smuggling, for he would not impute so opprobrious a crime to the authorities of that State; but free ports make free goods, and nullification makes free ports. Well, sir, what will prevent the goods from being sent to other States? Take the marks off from the goods, and they may be sent any where. If nullification exempts goods from duties in South Carolina, it exempts them every where. They are marked "State rights," and the vessel is called "State sovereignty." They will not be imported under the glorious flag of the Union, but under the flag of South Carolina. South Carolina has got her ordinance. Now we shall see how she will put it in execution, how it works practically. It will make general confusion, defeat equality in public burdens, and demoralize the community.

As nullification is now about to go into full operation, what is to stay the hands of South Carolina, and prevent her from executing her present purpose? He was aware of the wide range of discussion which the question connected with this subject would lead to. But this was the time for bringing those questions before Congress for decision. They should decide now, in one way or other. I am young and stout, said Mr. W., and am willing to see the question tried, and to abide the end of it. The whole question comes to a single point. What is the constitutional relation of a single State to the United States? If the Government is merely an "alliance of States, a federal league between several distinct and independent sovereignties, from which any one may withdraw, there is an end of the question and of our bill. For South Carolina, leaning upon her sovereignty and reserved rights, has exercised the power which she claims of obeying and disobeying a law of the Union, just as she may construe it to be constitutional or unconstitutional.

An attempt on his part to throw any additional light on this subject would be as unnecessary as to contribute a drop of water to the ocean. It was enough for him that he had a few well settled principles on this point, which he had always entertained, and which had been acted on from the foundation of the Government to the present time. The constitution was formed by the people. It was adopted by the States, which, like individuals, surrendered a portion of their sovereignty for the security of the rest. Those powers which are thus surrendered, however limited in number, are supreme in extent and application. The second paragraph in the 6th article of the constitution was, as it appeared to him, framed to meet this very case—to meet State legislation, State nullification—to meet the case of State legislation which attempts to overthrow national legislation.

"This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby.

any thing in the constitution or laws of any State to the contrary notwithstanding."

This supremacy of power was necessary for the general welfare, because it consists in the use of powers which could not be confined to, nor exercised by, any one State. We always had a Union. The great object of the people, from one period to another, has been to render the Union "more perfect." Virginia took the lead in the last attempt, and her statesmen were among its foremost champions. Experience had manifested the want of a supreme power to bear immediately upon the people of the States. The laws of the old confederation bore on the States alone. Hence the constitution begins, "We, the people;" and the conclusion of the 8th section of the 1st article, giving power to Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof," and the emphatic conclusion declaring such laws to be the supreme law of the land, in the aggregate sense of the term.

We owe allegiance both to the United States and to the State of which we are citizens. Are there, sir, any citizens who owe no allegiance to the United States? Have the people of South Carolina abandoned the proud title of citizens of the United States? Has the General Government any power or quality of political sovereignty at all? If it has, that power must be brought to bear directly upon the people of the States, and of each State.

The Government of the United States forms a part of the Government of each State, enters into it, and supplies whatever may be wanting in State powers. You cannot bring about obedience to the laws, if their obligations and binding force are not directly on the people. If the laws are brought to bear on the States, they may wrap themselves up in their sovereignty and their reserved rights, resort to nullification, and, claiming the power to put their veto on the acts of Congress, they may overthrow your whole system of legislation. This doctrine impairs not the sovereignty of the people. The people retain their sovereignty in reference to the United States as well as to their respective States. They act here as well as in their State Legislatures. Whenever you exercise one of your great constitutional powers, the people act here, and are therefore bound by the law which they themselves made. This is the perfection of political institutions. The people make the laws, and the laws govern. The States are secure in their rights, and always were secure. He admitted their original absolute sovereignty; but, as he had said before, they yielded up a portion of that sovereignty for the general good.

This is a constitution of power "granted," as a lawyer would say, "for a valuable consideration." By the grant of these powers, you created the constitution of the Union. You cannot take them back at pleasure. Here are we asked--can the creature be greater than the creator? No. But the creator may be bound by the act of the creature; the principal may be bound by the act of the agent, if the agent acts in pursuance of delegated power, particularly when the interests of third persons are concerned. We say to South Carolina, our prosperity depends upon the permanence of a system which you created; and you cannot take back the power which you gave to your agents to exercise.

On the subject of practical nullification, Mr. W. said he had made some notes, and the very circumstances which he had anticipated had happened. From a late number of the Charleston Mercury, which he held in his hand, he read an account of a great State rights meeting at Charleston, whereat resolutions were adopted for forming companies to import goods free of duty. The merchants of South Carolina would, it was thought, be reluctant to hazard their commercial credit and convenience by availing themselves of the replevin law; and it had been doubted whether the force of the ordinance would be tried. But, as he had expected, the politicians, not the merchants, had formed a plan for trying the experiment. Preparations had been made to bring the question to an issue as soon as the 1st day of February arrived. He had made a note of the questions which would arise out of these considerations, but he would not detain the Senate by noticing them.

He would pass to the consideration of the provisions in the bill. The first section of the bill contains provisions which are preventive and peaceful. Mr. W. then read from the first section of the bill, as follows:

"*Be it enacted, &c.* That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or unlawful threats or menaces against officers of the United States, it shall become impracticable, in the judgment of the President, to execute the revenue laws, and collect the duties on imports in the ordinary way in any collection district, it shall and may be lawful for the President to direct that the custom-house for such district be established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessel," &c.

It enjoins forbearance on the Executive, and gives him power to remove the custom-house to a secure place, where the duties may be collected. It leaves the ports and districts as they now are, open for the commercial convenience of the good people of the State; and even the custom-house would not be taken from the port or harbor where it now is. Our object in removing the custom-house is to prevent all collision, if possible. The words "threats and menaces" do not run through the residue of the section. The power given in this clause is not new; the clause is simply declaratory of the existing law, as it has been held by our courts; for it has been decided, that where it is impossible to collect the duties, the officers of the customs may remove the custom-house.

The next paragraph provides for the cash payment of duties under circumstances which render it impossible to collect the duties in the ordinary way. This is no great matter. We have already abolished the credits on duties to some extent, and this law carries out the system farther. Why should the practice of taking bonds be persisted in when they say they are not bound to pay the bonds. It is a mockery to take bonds when the constitution and the law release the people bound from the obligation of the bonds. Suits must be brought to enforce the payment of the bonds, and the authority of the State and federal tribunals would thereby be brought into conflict, which conflict the bill sought to avoid. The 62d section of the act of the 2d March, 1799, refuses credit to merchants who have refused to pay their bonds. The same principle is applied to the present case, where people are combined to prevent the payment of bonds.

The third and remaining exigency provided for in this first section is the authority to employ the land or naval forces, or militia. This provision is entirely defensive. It merely confirms the authority for the protection of the custom-house and revenue officers. The simple question is—do you require obedience to the laws? How can you make the people of South Carolina pay the duties? The custom-house officers are not sufficiently numerous to enforce obedience to the laws; pains, penalties, indictments, all hang over the head of that man who is bold enough to exact payment. The Legislature forbids the enforcement of the law; and he who attempts to enforce it must suffer the penalty of the law as surely as he is convicted of the offence. The marshal, in this stage of the business, cannot interpose. The militia cannot be called out, for the best reason in the world--that they are committed in support of the other side of the question. Now what is to be done? It is the duty of the President to take shall be used, and it is in the event of the attempt by the United States to enforce the execution of the revenue laws. "Enforce" is the word employed by the ordinance. For the meaning of this word it was not necessary to resort to Johnson or Webster: the law may be "enforced" by execution, by judicial process, by a simple demand of payment of duties by a United States' officer. It needs not the iron grasp of power, the naked sword, or the fixed bayonet, to constitute enforcement of the laws. You enforce the laws every day, and every hour of every day, in the most tranquil state of society. This enforcement of the laws it is which is, after the 1st of February, to be construed into an attempt to put down the people of South Carolina, and to justify the calling forth of thousands upon thousands of armed men to resist it.

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It enjoins forbearance on the Executive, and gives him power to remove the custom-house to a secure place, where the duties may be collected. It leaves the ports and districts as they now are, open for the commercial convenience of the good people of the State; and even the custom-house would not be taken from the port or harbor where it now is. Our object in removing the custom-house is to prevent all collision, if possible. The words "threats and menaces" do not run through the residue of the section. The power given in this clause is not new; the clause is simply declaratory of the existing law, as it has been held by our courts; for it has been decided, that where it is impossible to collect the duties, the officers of the customs may remove the custom-house.

The next paragraph provides for the cash payment of duties under circumstances which render it impossible to collect the duties in the ordinary way. This is no great matter. We have already abolished the credits on duties to some extent, and this law carries out the system farther. Why should the practice of taking bonds be persisted in when they say they are not bound to pay the bonds. It is a mockery to take bonds when the constitution and the law release the people bound from the obligation of the bonds. Suits must be brought to enforce the payment of the bonds, and the authority of the State and federal tribunals would thereby be brought into conflict, which conflict the bill sought to avoid. The 62d section of the act of the 2d March, 1799, refuses credit to merchants who have refused to pay their bonds. The same principle is applied to the present case, where people are combined to prevent the payment of bonds.

The third and remaining exigency provided for in this first section is the authority to employ the land or naval forces, or militia. This provision is entirely defensive. It merely confirms the authority for the protection of the custom-house and revenue officers. The simple question is—do you require obedience to the laws? How can you make the people of South Carolina pay the duties? The custom-house officers are not sufficiently numerous to enforce obedience to the laws; pains, penalties, indictments, all hang over the head of that man who is bold enough to exact payment. The Legislature forbids the enforcement of the law; and he who attempts to enforce it must suffer the penalty of the law as surely as he is convicted of the offence. The marshal, in this stage of the business, cannot interpose. The militia cannot be called out, for the best reason in the world--that they are committed in support of the other side of the question. Now what is to be done? It is the duty of the President to take care that the laws shall be executed. He is invested with the power by the constitution, and the public hold him responsible for its exercise. You can vest the power no where else. The first section of the second article of the constitution invests the President with the "executive power," and he is required to take an oath faithfully to execute the office and preserve the constitution. The second section of the same article makes him the commander-in-chief of the army and navy of the United States, and of the militia, when called into actual service. The only question is—is it necessary to give these means to enforce the laws? If we intend to enforce obedience to the laws, these powers must be given, and no where can they be constitutionally lodged but in the President. We give Andrew Jackson power simply to execute, for a limited time, the revenue laws of the country. Well, we confide this power to a man who has never abused any power reposed in him. He said that these proceedings were long anticipated. They were the subject of discussion during the late Presidential contest. Every vote had an eye to the South. He spoke this with respect to the other candidates, all of whom he knew would have supported the constitution. He made no invidious distinctions.

Why did South Carolina throw away her vote on a distinguished individual, who was not a candidate? With an eye to this question. Why did the people of the United States vote for Andrew Jackson? With a view to this same question. For this provision in the law there was a precedent, to which he would refer. The act of 9th January, 1809, sec. 11-13, vol. 4, p. 194-5, to enforce the embargo, &c. The 2d section of the bill extends the jurisdiction of the circuit courts in revenue cases. It gives the right to sue in these courts for any injury incurred by officers, whilst engaged under the laws of Congress in the collection of duties on imports. It declares that property taken under the authority of the laws of the United States shall be irrepleviable, and only subject to the order and decrees of the courts of the United States; and it gives the penalty for the rescue of the property as is prescribed by the act of 30th April, 1790, sec. 22, vol. 2, p. 95. The provisions of that law make the penalty not to exceed three hundred dollars, and imprisonment for three months. This section has two objects in view: first, it gives power to the officers to sue in the federal courts; and second, it provides that they shall not be dispossessed of property seized by them under the laws of the General Government, without the authority of the courts of the United States. The object of this section is to meet legislation by legislation. There is nothing in this provision shocking or harsh.

The laws of South Carolina, made to enforce the ordinance, are harsh and oppressive beyond any of the feudal laws. Under the replevin act of South Carolina, the goods are first seized; if they are not given up, the return is made, and a *capias in withernam* issues; there is then a suit to recover back the duties; the custom-house officer cannot remove the suit to any other court, and the judges and jurors who are to decide the case are under oath to support the ordinance. For this misdemeanor the officers are subject to a fine of five hundred dollars and two years imprisonment. And they are liable to have their own property, to double the amount of the goods seized, taken and carried away. Every professional man knows to what cases a replevin law is usually confined. It views the custom-house officer, while discharging his duty, as a trespasser. If the replevy is not obeyed, the intermediate inquiry which the common law provides is discarded, and a writ of reprisal issues. It is not left discretionary with the sheriff to take enough to satisfy the demand; but he is bound to take double the amount. There is no danger that this part of the law can ever be executed, for no one person will have property enough for so tremendous a grasp. The goods are taken finally from the custom-house officer and carried off; and if he attempt to recapture them, he is liable to a fine of ten thousand dollars, and two years imprisonment. No such indictment is subject to traverse; that is, the accused shall not cross it; he shall not deny the facts alleged; he shall not plead "not guilty." This is the technical effect of refusing a traverse. But can the word be taken in that sense in South Carolina? Perhaps the word, as used in the ordinance, has a meaning peculiar to the South.

Mr. **MILLER** explained. The word had a peculiar meaning in South Carolina. At the first court the accused could traverse, but he had no right to continue the action. The ordinance denied the right to the accused to continue the case after the first term, except for cause shown. The ordinance, in creating this misdemeanor, merely applies to it the legal forms which in that State apply to all misdemeanors.

Mr. **WILKINS**.—It was apparent that the constitution of the courts in South Carolina makes it necessary to give the revenue officers the right to sue in the federal courts. It was not intended to restrict this right to any amount in controversy, nor to citizens of other States. It falls under the clause of the constitution which gives jurisdiction to the United States' courts in all cases arising under the constitution, treaties, and laws of the United States. He would put a case in a few words: Suppose the collector of the port of South Carolina is prosecuted. He is carried to prison, or the *capias in withernam* is issued against him. His property is carried off and sold. The case comes before the State court. He sets forth that, under the laws of the United States, he was obliged to do his duty. On the other side, it is said that the laws of the United States had been nullified; and the State laws had taken their place. Out of this issue springs a case provided for by the bill. But it is objected that the case will arise under the State law. But, shape it which way you may, the case arises out of the laws and constitution of the United States, and the judicial power extends to all cases in law and equity. It ought to be so. There ought to be a judicial power co-extensive with the power of legislation, and a co-extensive executive power. Without this co-extensive power, legislation would be useless in a free Government. Neither domestic tranquillity, nor uniformity of rules and decisions, can be secured without it.

It may be said, (continued Mr. W.) that in this way you overturn the State legislation, and that they ought to give their own direction to State controversies. So they may; but let them not come in collision with the constitution and laws of the Union. In every controversy within any State, arising under a State law, coming in collision with the constitution, or with a law of the United States, the federal courts have appellate jurisdiction. He felt himself too much exhausted to read a case or two to which he desired to call the attention of the Senate. But he meant to content himself with a mere reference to the case of Martin *vs.* Hunter's lessee, in 1st Wheaton, p. 304, and the case of Cohens *vs.* the State of Virginia, 6th Wheaton, p. 584, where this point had been decided. If appellate jurisdiction be given, the original could not be desired. All the residuum of jurisdiction remaining, after the original jurisdiction given in specified cases to the Supreme Court, might be exercised in any way by the inferior courts that Congress might direct. These observations were applicable to the third section of the bill, which also provides for the extension of judicial jurisdiction, by allowing the party or officer of the United States sued in the State courts for executing the laws of the Union, to remove the case to the circuit court. It gives the right to remove at any time before trial, but not after judgment had been given; and thus affects in no way the dignity of the State tribunals. Whether in criminal or in civil cases, it gives this right of removal. Has Congress this power in criminal cases? He would answer the question in the affirmative. Congress had the power to give this right in criminal as well as in civil cases, because the second section of the third article of the constitution speaks of "all cases in law and equity;" and these comprehensive terms cover all. He referred to the case of Matthews *vs.* Zane, 4th Cranch, page 382, which decides that, if two citizens of the same State, in a suit in their State court, claim title under the same act of Congress, the Supreme Court has an appellate jurisdiction to revise and correct the decision of that court.

The decision was founded upon the principle that the 3d act of the constitution, considered in connexion with the judiciary act of 1789, would not give it a more extensive construction than it merited; and that the great object was, to render uniform the construction of the laws of the United States, and decisions under them upon the rights of individuals; and in such case it was entirely immaterial that both parties were citizens of the same State.

It was admitted by Mr. Harper, counsel for defendant in error, that the exercise of jurisdiction in such case would be undoubted, if it was to maintain the authority of the laws of the United States against encroachments of the State authorities. The clause in the constitution to which he had adverted refers to the character of the controversy, without regard to the parties, or the particular form of the action. The object of the suit, and not the tribunal, determined the jurisdiction. Was it to try the validity of an act of Congress? That question determined the jurisdiction. Was it to try any indictment for treason? That question determined the jurisdiction. It was more necessary that this jurisdiction should be extended over criminal than over civil cases. If it was not admitted that the federal judiciary had jurisdiction over criminal cases, then was nullification ratified and sealed forever: for a State would have nothing more to do than to declare an act a felony or a misdemeanor to nullify all the laws of the Union. There were numerous prejudices—prejudices peculiar to particular States, which, under any other view, would throw all jurisdiction into the State tribunals.

Mr. W. would put a case to the Southern gentlemen, by way of illustration. It was one which they would feel disposed to resent, and one to which he felt a repugnance to refer; but he would take it as illustrative of the opinions he had thrown out. There was to be found in the constitution a clause which gives the right to the owner of a slave to pursue him from one State to another, and to take him wherever he may find him. Now it was known that there was in some States a strong feeling on this subject, and that particularly was this sensibility to be found in the State of Pennsylvania, where it was carried to a very great extent. In great party times, he would suppose that a party in Pennsylvania rallied on this great principle. Pennsylvania was covered over with zealous and highly respectable abolition societies. He would suppose that Pennsylvania carried these feelings to such an extent, as to pass a law to nullify this clause in the constitution. He stated that he had, in the judicial station which he had occupied, had cases brought before him for decision, in which he had felt it to be extremely difficult to keep down this feeling. It had been even contended before him that the pursuit of the slave by his owner into that State was an unconstitutional act. He would suppose that Pennsylvania was to pass a law, declaring that the moment a slave sets foot on her soil, he shall be at once elevated to the rank and privileges of a freeman, and that thus she should nullify the clause in the constitution on this point.

It would be deemed very hard by the Southern gentlemen that they could not try the question of the constitutionality of that law before the Supreme Court. And if the State of Pennsylvania were to pass a law imposing a fine of ten thousand dollars and five years' imprisonment on any owner of a slave found in pursuit of him, and that her jurors and judges are all sworn to regard this law, he would ask whether the United States' courts could not have jurisdiction in this matter. The power of the Judiciary would be entirely nugatory if it could be evaded by throwing the case into the form of a criminal proceeding. He referred the Senate to the cases of the United States *vs.* Moore, 3d Cranch p. 159, where it was admitted that Congress might give the power; and to that of Martin *vs.* Hunter's lessee, 1 Wheaton, p. 350-1, where it was admitted that criminal are the strongest cases.

The fourth section of the bill was merely matter of form. There was no constitutional principle involved in it. It only authorized the courts of the United States to supply the want of a copy of the record. It was intended to obviate the difficulty which was likely to arise from the novel provision contained in the 8th section of the replevin law of South Carolina, which makes it penal in the clerk to furnish such record. This provision did not meddle with the penalty of the clerk of the State court, but contented itself with providing means to supply the deficiency.

The fifth section authorizes the employment of military force under extraordinary circumstances too powerful to be overcome without such agency, and to be preceded by the proclamation of the President. What he had already said had reference also to this section of the bill. He would now merely refer the Senate to some precedents.

The first precedent which he would notice was to be found in the act of May 2d, 1792, vol. 2, p. 284, repealed by the act of February 28, 1795, renewing the power to call forth the militia, which act was still in force. This law grew out of the Western Insurrection in Pennsylvania. Like the present bill, although it was merely intended to meet that exigency, it was so framed as to continue in force. So the bill under consideration, although it had special reference to South Carolina, pointed not to her alone. If the opposition to the laws should extend itself, and the spirit of disobedience should exhibit itself, whether in the South or the North, the general principles of the bill would be equally applicable. It was an amendment of our code of laws to which the attention of Congress had now been called, and which was rendered immediately necessary by the peculiarity of our present situation.

The second precedent to which he would invite the attention of the Senate was the act of the 3d of March, 1807, vol. 4, p. 115, "to suppress insurrections and obstructions to the laws," and "to cause the laws to be duly executed." That act authorized the President to call out the land and naval forces to suppress insurrections, &c. These were the objects for which then, as in the present bill, this extraordinary power had been conferred.

Another precedent would be found in the act of January 9, 1809, sec. 11, vol. 4, p. 194, to enforce the embargo, and which gives the power to employ the land and naval forces, in general terms, to assist the custom-house officers. There was at that moment a great excitement, although nothing like the solemn position in which South Carolina has now placed herself. Yet it was deemed expedient to confer on the President this power.

He would now refer to the last precedent with which he should trouble the Senate. It so happened in the history of Pennsylvania, that that State took from Virginia a strip of land bordering on the Alleghany and Ohio rivers. On this strip of land, where Virginia had been accustomed to exercise jurisdiction, for which she had opened the titles, and where she had held her courts, there arose an insurrection. This had been called the Western Insurrection, but it was a singular fact that it was confined to this narrow strip of land which Pennsylvania took from Virginia. The President was then authorized to call out the militia of the State, because they were not committed against the United States, but were willing to obey the call. The man to whose name history has no parallel put himself at the head of these troops to quell the insurrection. All power was placed in his hands by the act of November 24, 1794, vol. 2, p. 451, and the President was authorized to place in West Pennsylvania a corps of 2,500 men, either draughted or enlisted.

The sixth section of the bill had reference to the replevin law of South Carolina, and was justified and rendered necessary by the 12th section of that act, which prohibited any person from hiring or permitting to be used any building, to serve as a jail for the confinement of any person committed for a violation of the revenue laws, under penalty of being adjudged guilty of a misdemeanor, and fined 1000 dollars, and imprisoned for one year. The State law, therefore, closes all the jails and buildings of South Carolina against prisoners held by process from the United States for a refusal to yield obedience to their laws. It was necessary, therefore, that something should be done. The case might not be fully met by the resolution of 3d March, 1791, vol. 2. p. 236; and this section merely incorporates that provision, without the introduction of any novel principle.

The seventh and remaining section of the bill extends the writ of *habeas corpus* to a case not covered by existing laws. These laws do not extend to any other than cases of confinement under the authority of the United States, and when committed for trial before the United States' courts, or are necessary to testify. He referred the Senate to vol. 2, p. 63, to the 14th section of the judiciary act. The present section merely extended the privileges of that act, which was so essential to the protection of the liberties of our citizens. It extended the act to cases of imprisonment for executing the laws of the United States. There would be nothing objectionable in this section; it came in conflict with no code of law. If a citizen were confined under the provisions of the ordinance of the 24th November, 1832, he could have no remedy under the laws as they now exist. As all such cases arose under the laws of the State of South Carolina, this section only extended the privileges of the writ of *habeas corpus* to meet those particular cases which had originated in the present state of things.

He had now done, having fully attempted to explain the reasons which had induced him to give his sanction to the bill. He should only say, in addition, that if it were the pleasure of Congress to enact this bill into a law, he should most fervently pray that no occasion might ever occur to require a resort to its provisions. It was his desire that the present bill, when it should become a law, might be rendered unnecessary by a return of the state of happy tranquillity which would renew the cement of our Union, and might lie for ages to come, without the necessity of reference to its provisions, slumbering in the libraries of the lawyer and among the archives of legislation.

WEDNESDAY, JANUARY 30.

THE COLLECTION BILL.

The Senate having resumed the consideration of the bill to provide further for the collection of the duties on imports—

Mr. **GRUNDY** asked leave to re-state what had been already stated by the chairman of the Committee on the Judiciary, as to the amendments which the committee proposed to move in the bill. The first amendment was to strike out, in the 29th clause of the 1st section, the words "prevent or," (the effect of which is to exclude the power proposed to be conferred on the President of the United States to use military force to prevent, as well as to suppress, any riotous assemblage, &c.) The second was to limit the operation of the bill to the close of the next session of Congress. As the amendments were of much importance, he had felt desirous to present them more distinctly to the consideration of the Senate.

Mr. **BIBB** then rose to address the Senate. My voice, said he, is still for peace. Thinking it expedient, I desire to secure it by means most sure and practicable. I did wish that the discussion might have been delayed yet longer, to have advantage of all circumstances that might occur, as well those which might result from the legislative action of the Congress, as from the action of the Legislatures of the States, and also from the friends of conciliation and fraternal concord generally.

His wishes on this subject had to yield to those who differed from him, and he was now compelled to enter into this discussion, and to deliver such views as appeared to him just, upon the question at issue. In doing this, he hoped he should observe that decorum which became him as a member of that distinguished body; and that he should in no instance be found transcending that respect which he had ever felt for those with whom he had the honor there to be associated. He sincerely hoped that, even in the heat of argument, not a single expression might escape his lips, calculated to add to that excitement, which, both in doors and out of doors, was, he feared, already great enough, if not too great. But it was necessary, from the nature of the subject, to touch on the conflicting opinions of two great parties which had been distinguished in the United States, and had alternately held the reins of Government. He had, from early life, belonged to one of these parties; he had never swerved from its doctrines; and, in his old age, he still saw reason to abide by them. It was his wish, therefore, on the present occasion, to put his opinions fairly before the public, that he might not be understood or thought to advocate doctrines which he did not advocate.

He would tell them, then, in the outset, that he loved the Union. It was because he did love the Union that he felt himself then compelled to join in that debate. He wished to cherish the Union. He would cherish it as a safeguard against foreign invasion. He would cherish it as a bond of peace and concord at home. He would cherish it as the most likely means of protecting the country from the evils which history told them had befallen other Governments, who had, at one time, enjoyed a considerable share of liberty; the horrors which had befallen revolutionary France; and the evils which had been acted almost before their eyes in South America. He would not go into a detail of the horrors of civil war. He would leave them to the mind of every Senator to imagine; but he must believe that the most vivid imagination would fall far short of anticipating the horrors of a civil war like that which appeared about to be brought on this country. When he looked at the prospects before them, promising no alleviation of the burdens of the protective tariff, and at the bill under consideration, he could not but fear that those awful consequences, civil war and disunion, must follow its passage.

A message had been sent to them from the President of the United States, together with a proclamation addressed by him to the people of the United States. They had been told by the honorable Senator, who was the chairman of the committee by which this bill was reported, and who opened the debate, that this bill was responsive to the message of the Executive; that it was calculated and designed to meet the state of things there portrayed, the facts and the circumstances alluded to in the proclamation and message. Whilst it was admitted that this was an act of high legislation, it was justified on the ground that it was necessary. He should, then, treat the bill as though the amendments offered that morning by his friend from Tennessee were already in the bill; they proposed to make it not a permanent law, but to limit its duration to the end of the next session of Congress. He should treat its provisions, therefore, as intended to operate directly on South Carolina—he meant the state of things in South Carolina as declared and portrayed in the message of the President, in the ordinance of South Carolina, in the test oath, and in all the other public acts alluded to in the message—the proclamation, and the train of reasoning in the proclamation and the message, as applicable to the state of things in South Carolina—of things expected, not done.

Pursuing this object, he said that, so far as South Carolina was concerned, the ordinance was made by the people of that State in their highest sovereign character, organized in convention. It was done by South Carolina in her character of a State. So were also her legislative acts. The whole proceedings in South Carolina, to which the proclamation and message allude, are facts done upon paper, committed by words, not an overt act of resistance in the country: not any blow struck; no violence acted; no plan executed by force; no act done, or threatened, by a lawless banditti, or by a riotous assemblage of individuals convened without authority, or in contempt of the State authority, is communicated. But every fact in South Carolina complained of relates to things transacted by the people of South Carolina acting in their high sovereign character in convention, and through the legislative and executive departments of their organized government. Every thing which has been complained of is done by the State of South Carolina.

Here, once for all, he desired it to be remembered, that, when he spoke of a State, he did not mean an intangible being, a mere abstraction, without body, soul, intelligence, or moral responsibility; but of a State, in the sense in which the term was understood in international law, and in our own codes, as people within a defined territory, bound together by social compact, having a Government and laws to which they look for justice and protection, and to which they owe the corresponding obligations of allegiance and support.

In the argument he was about to make, he did not intend to justify the extremities to which South Carolina had gone, nor to defend all the positions she had assumed. He meant to examine the constitution of the country; its constituent parts; its checks and balances; for the purpose of testing the soundness of the doctrines in the proclamation and the message, and proposed by the bill to be established by force of arms.

It seems to me that the subjects embraced by the proceedings of South Carolina afford ample field for the exercise of intellect with intellect; sufficient room for the exercise of a mutual spirit of amity, concession, and conciliation, without resorting to the sword and the bayonet, to put up or to put down the political creed of the one or the other party.

I have witnessed the ragings of the natural elements, when the blackening clouds gathered. I have seen the forked flashes blaze upon the mountain, and yet the rock that decked the mountain's brow, and defied the storm, remained unscathed by the lightnings of heaven. I have heard the clamoring of the winds, and seen the proud forest bend before the majesty of nature. In the fury of the storm I have seen the fond mother press her infant to her bosom, and sigh with fearful apprehension that her husband might be exposed, houseless, "to bide the peltings of the pitiless storm." But, in the darkest gloom of elemental strife, there was a consolation; for there was an assurance that the storm would cease; that the sun would again shed his gladdening rays on herb, tree, fruit, and flower, displaying the charms of nature in renovated health and refreshened verdure. But when, in the storm now gathering in the political horizon, I shall hear the blast of a trumpet, the neighing of the steeds, the noisy drum, the resoundings of the heavy-toned fiery-mouthed cannon; when I shall see the glittering of small arms; when I shall read the proclamation preparatory to mortal strife between States and State, and know that the strife is in fact begun "in all the pride, and pomp, and circumstance of war," I shall then despair. There will be no assurance that the constitution will erect its proud crest above the struggling hosts, and come out unscathed from the contest. I have no assurance that the Union will survive the carnage and embittered feelings engendered in the impious war of child against parent, brother against brother. I have no assurance that the rays of civil liberty will again gladden with their mild beneficence this once happy land. These are my apprehensions. The union of these States is too precious to be set at hazard, or sported with by tilts and tournaments. He said the provisions of the fifth section of the bill appeared to him to lead, by a direct road, to civil war and a severance of the States.

Mr. B. said, it seemed to him that a false issue was presented. The question of war against South Carolina is presented as the only alternative. This issue was false. The first question is between justice and injustice. Shall we do justice to the States who have united with South Carolina in complaint and remonstrance against the injustice and oppression of the tariff? Shall we cancel the obligations of justice to five other States, because of the impetuosity and impatience of South Carolina under wrong and oppression? The question ought not to be whether we have the physical power to crush South Carolina; but whether it is not our duty to heal her discontents; to conciliate a member of the Union; to give peace and happiness to the adjoining States which have made common cause with South Carolina, so far as complaint and remonstrance go. Are we to rush into a war with South Carolina to compel her to remain in the Union? Shall we keep her in the Union by force of arms, for the purpose of compelling her submission to the tariff laws of which she complains? How shall we do this? By the naval and military force of the United States, combined with the militia? Where will the militia come from? Will Virginia, will North Carolina, will Georgia, Mississippi, or Alabama, assist to enforce submission to the tariff laws, the justice and constitutionality of which they have, by resolutions on your files, denied over and over again? Will those States assist to forge chains by which they themselves are to be bound? Is this to be expected in the ordinary course of chance and probability?

He earnestly entreated the Senators to reflect on the probable consequences of the measures proposed by the bill. Are we not approaching too near to the condition of Great Britain, when the colonies were petitioning for a redress of grievances? when the ministry, armed with her military and naval forces, looked on the remonstrances of her colonies with contempt? Their complaints could not reach the throne; their reasonings could only awaken the liberals of the kingdom, but could not quench the ministerial thirst for money and for power.

Has not South Carolina been treated by the proclamation pretty much in the style in which Lord Hillsborough treated the colony of Massachusetts, requiring that certain resolutions should be rescinded?—[Here Mr. Bibb read from Holmes's America, the following:]

"On the 22d of April, 1768, Lord Hillsborough wrote to Governor Barnard, of Massachusetts, stating that the proceeding which gave rise to the circular letter was 'unfair, contrary to the real sense of the assembly, and procured by surprise;' and instructing him, 'so soon as the General Court is again assembled, to require of the House of Representatives, in his Majesty's name, to rescind the resolution which gave birth to the circular letter from the Speaker, to declare their disapprobation of, and dissent to, that rash and hasty proceeding."

Mr. B. proceeded to allude to the obnoxious acts which gave rise to the resistance of Massachusetts to the British power--the Boston port bill, the tea tax, &c. Great Britain sent her armies in the confident expectation that the province would be immediately overrun. But what had aggrieved and injured the interests of Massachusetts, touched the rights and interests of all; and all united in one common cause, united to resist what they all believed to be oppressive and unjust.

He would here notice objections which he had heard (he would not say on that floor) to reducing the tariff, according to the recommendation of the President's message.

It is said, "South Carolina has put herself in battle array against the Government; she has assumed a military attitude; and the Congress of the United States must not be dictated to by a member of the Union." She must submit. In like manner Lord North reasoned in his day. [Here Mr. B. read from Mr. Holmes's History, as follows:]

"On the 12th of April, 1770, the King gave his consent to the act of repealing the duties, with the exception of the duty on tea. When the stamp act was repealed, the Parliament took care to pass an act 'for securing the dependence of America on Great Britain.' That declaratory act, and this reservation of the duty on tea, left the cause of contention between the two countries in its entire force. Lord North, who had moved the repeal of the obnoxious port duties of 1776, excepting the duty on tea, being strongly urged by the members in opposition not to persevere in the contention, when he relinquished the revenue, replied: 'Has the repeal of the stamp act taught the Americans obedience? Has our lenity inspired them with moderation? Can it be proper, while they deny our legal power to tax them, to acquiesce in the argument of illegality, and, by the repeal of the whole law, to give up that power? No: the properest time to exert our rights of taxation is when the right is refused. To temporize is to yield; and the authority of the mother country, if it is now unsupported, will, in reality, be relinquished forever. A total repeal cannot be thought of till America is prostrate at our feet.'"

Lord North's pompous idea of prostrating America before the British lion proved to be but a phantasma which tickled the brain of a haughty aristocracy, in the confidence of power, forgetting right: a project of oppression and injustice which the Omnipotent Dispenser of Justice would not suffer to be carried into execution. Let us take warning from our experience; let us profit by the example; let us avoid a similar catastrophe. If we turn a deaf ear to the complaints and remonstrances of the South; if we attempt to silence and put down, by force of arms, the voice of reason and justice; may not the attempt be followed by similar misfortunes—by a like fatal catastrophe? May we not see a union of common resistance, established by common interest, among those who suffer n common with South Carolina? May we not see another union arise, on the ruins of the present constitution, in that section of the country which is now complaining and suffering under the system of protective duties? Let us pause before we follow the example of Great Britain; let us not rashly rush into civil war; let us examine the foundations of our institutions; let us look at the past and the future, and see if it be wise, prudent, or just, to make war upon a sovereign people—a State—a constituent member of this union of States. It is not a mob, a parcel of rioters, a lawless pack of banditti and insurgents, that this bill proposes to "suppress" by military force. It is not a "riotous assemblage of persons resisting the customhouse officers," "or in any other manner" opposing the execution of the revenue laws, "or otherwise assisting and abetting violations of the same." No; it is the State of South Carolina: the people acting in convention by ordinance; the Legislature and the Executive of South Carolina, untruly called by this bill a "riotous assemblage." Her ordinance and her laws are alluded to under the words, "or in any other manner opposing, or otherwise assisting and abetting." Disguise it as they may, by applying nicknames, contrary to the usage of language, the Government, and authorities and people of South Carolina, acting in obedience to her ordinance and laws, are aimed at, and intended to be included in the provisions of this bill. Mr. B. said he could not be under a mistake in this. The chairman of the committee has told us the bill was responsive to the message; that argues upon the ordinance and laws of South Carolina; and so has the honorable chairman.

This bill proposes to treat the people of South Carolina, who shall act in obedience to the State ordinance and laws, as rioters and insurgents. It proposes to place the allegiance of the people of the State to their immediate State Government in direct collision with their fidelity to the Federal Government; to place the citizens of South Carolina in an attitude in which they must be compelled to take part in arms with the federal authorities, or with the State authorities. Both Governments have the power to define and punish treason, and other offences; both Governments have the power to call the militia into service. The plain, peaceable, sober, industrious, unsophisticated citizens, are to be placed in the sad alternative of committing treason and crime, either against their State Government, or against the Federal Government. If they refuse to obey the call of their State, they are subject to punishment; if they do obey, and appear in arms against the military of the Federal Government, they are to be treated as enemies, and to be shot down. Take which side they may, if they survive the conflict, they are liable to be punished as offenders and traitors by the power which shall ultimately prevail in the contest. From treason, and crime, and disgrace, there is to be no refuge but in death.

There is an important distinction running throughout, between the cases for which the acts of Congress were heretofore made, and cited as military precedents, and the cases to which this bill is intended to apply. In the former, all the persons against whom the military force was authorized, were truly insurgent individuals, rioters, disturbers of the peace, not having the countenance, command, or panoply of State law and State authority—offenders against all authority, both State and federal. In the latter, the persons are countenanced, commanded, and authorized, and have the protection of the State. The former were literally and truly insurgents, banditti, rioters, and lawless: the latter are a nation, a State, a component member of this Union.

The bill proposes to invest the President with power to march the troops of one State into the bosom of another; to put the Union at war with itself; to wage a war which must involve the innocent with the guilty. Is not this consideration weighty enough of itself to turn our thoughts from such a measure, and to search for some other means of securing peace and good order?

Mr. President: If we make war upon the ordinance, and Government, and laws, and people of South Carolina—conquer her, prostrate her in the dust, what are we to do? Govern the people and territory as a conquered colony? South Carolina is a member of the Union, and the constitution guaranties to her a republican form of Government. If we extinguish her from the federal escutcheon, we violate the constitution. If we govern her by a peculiar law, different from the rule applicable to the other States, we break the constitution. Viewed in every light in which it is presented to my mind, the bill seems to me to be in conflict with the constitution, and tends to drive South Carolina from the Union by the power of the sword.

That I may not appear to have spoken too strongly, I will call the attention of the Senate to the first and fifth sections of the bill. As to the others, although unguarded and objectionable, they may be amended. So long as the contest is between judiciary and judiciary, so long as it is waged by opinions and counter-opinions, with press and paper, or pen and paper, it is comparatively harmless. It is when force is to be employed that I am apprehensive of danger.

[Here Mr. B. read from the bill the provision which authorized the removal of the custom-houses, and even to keep them on board a vessel, where the collection of the revenue is obstructed or threatened: "and it shall be the duty of the collector to reside at such place, and there to detain all vessels and cargoes arriving within the said district, until the duties imposed on said cargoes by law be paid in cash, deducting interest, according to existing laws; and, in such cases, it shall be unlawful to take the vessel or cargo from the custody of the proper officer of the customs, unless by process from some court of the United States."]

On this part of the section he would remark, that, as it was applied to the State of South Carolina alone, it is a violation of the constitution, which requires that "no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over another." The distinction between one port and another is apparent and oppressive, which makes duties payable at one port in cash, and in others in bonds. As to so much of the section as directs that the goods shall be kept till the money is paid, he would say nothing, as he would not dwell on minute points while others of great importance demanded attention.

The section goes on to provide that "in case of any attempt otherwise to take any vessel or cargo by any force or combination, or assemblage of persons too great to be overcome by the officers of the customs, it shall and may be lawful for the President of the United States, or such person or persons as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States, as may be deemed necessary, for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof; and also for the purpose of suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the revenue laws of the United States, or otherwise violating or assisting and abetting violations of the same."

The offences included under the words "or in any manner opposing the execution of the revenue laws, or otherwise assisting and abetting," are too general and undefined. They do not go sufficiently into detail, to secure the rights of citizens in a free Government. Such general terms in creating offences, conferring powers on military officers to shoot down the supposed offenders, suit only despotic Governments, where the subject is considered but a thing, the property of the autocrat. They do not comport with the genius of our institutions. If the military is to supplant the civil authority; if, instead of a fair and impartial trial by jury, the supposed offender is to be executed at once by the soldiery, shot down as a wild beast, the offence should be clearly defined and flagrant. Now, sir, I do object to conferring on the Chief Magistrate and his subordinate military officers the power to declare and punish offences, included under such vague expressions. The power which I would give to the President of my choice, I would give to any other President; but I would not trust any President with such power. I would not set so bad an example, to exert its dangerous influence on future generations. If one President is invested with such authority, it becomes a precedent for future Legislatures to imitate and enlarge. My objections are not aimed at the man who is in the Executive chair, but they allude to general principles—to the safeguards of civil liberty.

Mr. B. then passed to the consideration of the fifth section, which he read as follows:

Sec. 5. *And be it further enacted*, That whenever the President of the United States shall be officially informed by the authorities of any State, or by the circuit and one of the district judges of the United States, in the State, that, within the limits of such State, any law or laws of the United States, or the execution thereof, or of any process from the courts of the United States, will, in any event, be obstructed by the employment of military force, or by any other unlawful means, too great to be overcome by the ordinary course of judicial proceeding, or by the power vested in the marshal by existing laws, it shall be lawful for him, the President of the United States, forthwith to issue his proclamation, declaring such fact or information, and requiring all such military and other force forthwith to disperse; and if, at any time after issuing such proclamation, any such opposition or obstruction shall be made, in the manner or by the means aforesaid, the President shall be, and hereby is, authorized promptly to employ such means to resist and suppress the same, and to cause the said laws or process to be duly executed, as are authorized and provided in the cases therein mentioned by the act of the twenty-eighth of February, one thousand seven hundred and ninety-five, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for that purpose;" and, also, by the act of the third of March, one thousand eight hundred and seven, entitled "An act authorizing the employment of the land and naval forces of the United States, in cases of insurrection."

Mark the words; when the President is officially informed that the operation of the law "will, in any event, be obstructed by military force," or "by any other unlawful means," &c., he may issue his proclamation, and thereafter employ military force. Now, sir, I beg leave to ask the meaning of "any other unlawful means."

Are they not intended to include the state of things in South Carolina? Do they not mean that, if the State shall not rescind the ordinance and her laws, the President may employ the army, navy, and militia, to compel her? They are intended to oppose South Carolina by force of arms—by war. Yes, sir, it is war against a State: it authorizes a declaration of war against the State of South Carolina, to be made by proclamation of the President, in his discretion, upon after, not upon existing facts.

The power to declare war is, by the constitution, vested in the Congress. They are to judge and decide on the policy and expediency of so calamitous a measure, before the honest industrious yeomanry of the country are called from their peaceful homes to partake of the toils, privations, and miseries of war. But in defence of the constitution, which he will violate by this very act, we are to confer upon a single Executive Magistrate the power vested in Congress by the constitution. Yes, sir, it is giving power to the President to declare war, and to make such declaration effectual by the naval and military forces. Sir, I am not in favor of this. "It has an awful squinting towards monarchy."

While on this part of the subject, my mind leads me to those times when the colonies maintained, as rightful, resistance to unjust and oppressive usurpation; when the spirit of freedom and patriotism animated the breasts of our ancestors. Great Britain attempted to introduce military force to overawe and humble the colony of Massachusetts. A resolution of the Legislature of Massachusetts was passed in 1769, declaring "that the establishment of a standing army in this colony, *in time of peace*, is an invasion of natural rights; that a *standing army* is not known as a part of the British constitution; that sending an armed force into the colony, under pretence of assisting the civil authority, is highly dangerous to liberty, unprecedented, and unconstitutional."

This bill proposes to send the army and navy against South Carolina, under pretence of assisting the civil authority of the United States. Instead of hearing the complaints of South Carolina, and legislating on the tariff, the source of her complaint, we authorize the President to declare war. By an act of conciliation, we may heal the unhappy discontents. Because public sentiment defies our law, we are invited to send a standing army to suppress the authorities of a sovereign State. Sir, is it not monstrous, when the very message of the President declares that the system complained of is unjust and oppressive, to seize upon this bill, and bring into effect the law of force, instead of the law of justice, reason, and conciliation? Instead of turning a listening ear to the complaints of South Carolina, we are to turn upon her our cannon. Should we not first try to appease these discontents, by legislating on the subjects of her grievance, in a spirit of justice, attempted by a spirit of mutual concession and conciliation? Is it not wanton, when we have at hand a remedy so easy and peaceful, to have recourse to the "*ultima ratio,*" the law of force?

Nature has established diversity of climates, interests, and habits, in the extensive territories embraced by this Union. We cannot assimilate these differences by legislation. We cannot conquer nature. Other differences have been introduced by human laws and adventitious circumstances, very difficult, if not impossible, to be adjusted by one General Legislature. Hence the necessity of local Governments with their appropriate powers, and a General Government with its appropriate powers. Therefore, the respective States, in making up the present system of Federal Government, reserved to themselves all the powers which were local in their nature, and which, if exercised by any other than themselves, were likely to lead to the most prejudicial consequences.

It seemed to him, that the proclamation and message assert, in substance, that, by the declaration of independence, these United States were one single consolidated nation; that the constitution was made by the United States as one single nation; adopted by the people of the United States as one people; or, in other words, that it was adopted by a consolidated mass of the whole people, in contradistinction to the views of many of our most distinguished statesmen, that it was adopted by the people of the States, respectively. It is important, to sustain the first and fifth sections of this bill, that the grounds taken in the proclamation and message should be adopted; that is to say, that the constitution be made to spring from the whole as a mass, and not from the people in States, acting as separate and distinct Governments. It is in the former view only that the people of South Carolina, acting in obedience to State authorities, can be treated as rioters and lawless banditti. If the other view of the constitution be correct, then we cannot treat the people of South Carolina as rioters and lawless banditti, but regard them as a State, and war with them as a State.

My creed is, that, by the declaration of independence, the States were declared to be free and independent States, thirteen in number, not one nation; that the old articles of confederation united them as distinct States, not as one people; that the treaty of peace of 1783, acknowledged their independence as States, not as a single nation; that the federal constitution was framed by States, submitted to the States, and adopted by the States, as distinct nations or States, not as a single nation or people.

By canvassing these conflicting opinions, we shall the better understand how far South Carolina has transcended her reserved powers as a sovereign State; how far we can lawfully make war upon her; and whether we, or South Carolina, are likely to transcend the barriers provided in the constitution of the United States.

To view these questions correctly, let us look to the condition of the colonies before they threw off the yoke of the mother country. As colonies, they were separate and distinct communities; each had its separate Legislature (by some termed General Court,) its Executive, and Judiciary. They were settled under distinct charters granted by the crown. They were planted at different periods, and were emphatically distinct Governments. In that condition they were when the arbitrary measures of the British Government roused them to resistance. In this they had a common interest; a common feeling; common burdens to complain of; and held, in common, a spirit of freedom, which determined them to unite in defence of their violated rights. When resistance was the question, they deliberated, separately at first: a common cause induced them to interchange communications, and a general Congress of the colonies was proposed and adopted. In the general Congress the votes were taken by colonies. The very declaration of independence was voted by colonies. Some of the States had declared themselves independent before the declaration promulgated by Congress. North Carolina was the first; and I have seen an exemplification of the original document, in which that State had declared herself free, sovereign, and independent, long prior to the declaration by Congress. The State of Virginia, too, preceded Congress in her declaration of independence.

But it was in vain to go into details; for, before the 4th of July, 1776, each of the States, by its acts of resistance to tyranny and oppression, had thrown off its allegiance to the crown of Great Britain, assumed to itself a sovereignty, and claimed the right to consult with co-States, and to form a league for common defence; and, in virtue of such right, did send delegates to the General Congress; did there assume the right to take their stand among the nations of the world. The first meeting of delegates was held in September, 1774, and from that time until July, 1776, continued to consult without any plan or league to bind them.—[Here Mr. B. read from 1 vol. Laws U. S. chap. 1. and p. 1.] Finally, in July, 1776, the declaration of independence was agreed on; and it is called the unanimous declaration of the thirteen United States of America. But this is not all. The instrument, after giving a history of their grievances, and speaking of the failure of Great Britain to hear their complaints and redress them, concludes with this emphatic language: "We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States." Not an independent nation, but, in the language of the declaration, free and independent States. And the instrument goes further. It declares that they (the States) are absolved from all allegiance to the British crown, and that all political connexion between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor." The very declaration proclaiming to the world that thirteen stars had risen in the firmanent of nations—not a single nation, but thirteen—ought to have arrested the statement advanced in the proclamation.

On the 11th June, 1776, it had been resolved that a committee be appointed to prepare and digest a form of confederation, to be entered into between the colonies. Upon the 12th July, 1776, (Secret Journal, p. 290,) that committee reported a draught of articles, which were from time to time debated, until the 15th of November, 1777.—(1 vol. Secret Journal, p. 349.)

Now, bearing in mind the dates of these respective transactions, which will be found in the first volume of the Laws United States, p. 1 to 20, it will be seen that at the time these colonies were acting as distinct sovereignties, and made their declaration of independence, these articles were then *in fieri*, and were not even reported by the committee. But after the declaration they were reported, agreed on, and sent to the several States for ratification. The ratifications were adopted by the respective States, at different times, and signed by their delegates at various periods between the 21st July, 1778, and the 1st of March, 1781. [Here Mr. Bibb read from 1 vol. Laws United States, p. 12 and p. 20, the dates of the signatures by the respective States.]

These facts show, conclusively, that so far from the States forming themselves into a single nation by the declaration of independence, they never came finally into a confederacy until the delegates from Maryland subscribed the articles in 1781. The preamble itself, said Mr. B., is a refutation of any idea that the United States is one single nation. It is as follows:

"Whereas the delegates of the United States of America, in Congress assembled, did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain articles of confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz:

"Articles of confederation and perpetual union between the States of," &c. (naming them.)

The first article declares that the style of this confederacy shall be "The United States of America."

The second article declares "that each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled." So far, then, from being made one nation by the confederation, and acquiring the rights of nationality as such, the independence of the several States preceded both it and the declaration.

Again: the third article declares that "the said States hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever."

And again: the articles of confederation, after giving various powers to the Government, in the thirteenth article, declare that—

"Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual: nor shall any alteration, at any time hereafter, be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislature of every State."

But the proof does not stop here. By the provisional articles of peace of the 30th November, 1782, and by the definitive treaty of the 3d of September, 1783, made between the United States and Great Britain, mutually signed and accepted, the first article in each contains the stipulation that "His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats with them as such."

The fifth article of the definitive treaty stipulates "that the Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the restitution of all estates, rights, and properties, which have been confiscated," &c.

The sovereignty of the States, and their power to restore, or not, the confiscated estates, are distinctly acknowledged by both parties to the definitive treaty of peace.

I shall not stop to battle the watch about unqualified and qualified sovereignty. A monarchy may be limited or unlimited. A republican Government may confer limited powers to the agents of the people, or unlimited powers. A qualified or unqualified sovereignty may exist in monarchies and in republics. In our Governments the sovereignty is in the people of each State. The State Governments do not confer unlimited powers over the domestic affairs of the State. But yet the people of a State, united under a State Government, constitute a sovereignty. A portion of sovereign power is expressly withheld by the State constitutions.

But sovereigns may be united with sovereigns, and may divide delegated powers between the local sovereignties and the united sovereigns. The United States are united sovereignties. The people have delegated a portion of their powers as State sovereignties to their particular State Government, and another portion to the Government of the united sovereignties. Neither Government is an unqualified sovereignty. The State and Federal Governments are limited qualified sovereignties; all bound to keep within their respective spheres; each a usurper and a disturber of order when transcending the limits prescribed.

Such is the history of the old confederation which brought us so gloriously through the war of the revolution. The idea that it was a single consolidated nation, is repelled by the archives of the States, by the journals of Congress, and by the definitive treaty of peace.

I will next proceed to examine whether this idea of a single nation, this Government made by the people in mass, as contradistinguished from the people of the respective States, is sustained by the history and context of the existing constitution.

On the 21st of February, 1787, Congress, reciting in a preamble "that there is a provision in the articles of confederation and perpetual union for making alterations therein," by assent of Congress and of the Legislatures of the several States, passed a resolution, which will be found in the first volume of the laws of the United States, p. 59, in these words:—*Resolved*, That in the opinion of Congress, it is expedient that, on the second Monday in May next, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress, and confirmed by the States, render the federal constitution adequate to the exigencies of the Government, and the preservation of the Union."

In pursuance of this resolution, delegates, appointed by the several States, met in convention. On the 17th of September, 1787, Congress received the report of the convention lately held in Philadelphia, in the following words: [Here the constitution was set forth, verbatim.—1st vol. Laws U. S. p. 59, 60.]

To this constitution were appended two resolves of the convention, (same vol. p. 70.) The first is, that the reported constitution be laid before Congress; "that it should afterwards be submitted to a convention of delegates chosen in each State, by the people thereof, under the recommendation of its Legislature, for their assent and ratification," &c.

The second resolution recommends, that, as soon as nine States had ratified, the Congress "should fix a day on which the electors should be appointed by the States which shall have ratified the same," a day for assembling the electors to vote for President and Vice President, and the time and place for commencing proceedings under this constitution, &c.

To the reports of the constitution was also appended an address agreed upon, by the unanimous order of the convention, to the President of Congress. In this letter these sentiments are conveyed: the desire long felt, "that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union."

"It is obviously impracticable in the Federal Government of these States to secure all the rights of independent sovereignty to each, and yet provide for the interest and safety of all." The difficulty which had arisen in fixing the rights to be surrendered, and those to be reserved, because of the difference among the several States as to their situation, extent, habits, and particular interests; the great importance which they had kept in view, "the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence."

That "the constitution we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable."

That each State should consider "that had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others."

Upon this report, the Congress, on the 28th September, 1787, came to the following resolve: (p. 60.)

"*Resolved, unanimously,* That the said report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a convention of delegates, chosen in each State, by the people thereof, in conformity to the resolves of the convention made and provided in that case."

The constitution, so transmitted to the Legislatures, was by them respectively submitted to State conventions, elected in each State, and assembled under the law of each several State.

On the 13th September, 1788, nine States unanimously in Congress adopted a preamble and resolution, reciting the resolve of February 21st, 1787, for revising the articles of confederation; the report of the convention of the 17th September, 1787; the resolve of Congress of the 28th of September, 1787, for transmitting the report, resolutions, and letter to the several Legislatures; and that the said constitution had been ratified by a sufficient number, which ratifications had been received by Congress. Therefore they appointed the first Wednesday in January, 1789, for choosing the electors in the several States which before that should have ratified; the first Wednesday in February, 1789, for the electors to assemble to vote for President and Vice President; and the first Wednesday in March, 1789, for commencing proceedings under said constitution at New York. (See preamble and resolution of 13th September, 1788. Laws U. S. vol. i. p. 60.)

The ratifications were at the following times:

1. Delaware, December 12, 1787.
2. Pennsylvania, December 12, 1787.
3. New Jersey, December 18, 1787.
4. Connecticut, January 9, 1788.
5. Massachusetts, February 6, 1788.
6. Georgia, January 2, 1788.
7. Maryland, April 2, 1788.
8. South Carolina, May 23, 1788.
9. New Hampshire, June 21, 1788.
10. Virginia, June 26, 1788.
11. New York, July 26, 1788.

It would appear that, Congress having appointed the first Wednesday in January, 1789, for choosing electors, and the first Wednesday in March, 1789, for proceedings under the constitution, it went into operation without North Carolina and Rhode Island. North Carolina did not ratify the new constitution until the 21st November, 1789; Rhode Island not until the 29th May, 1790. Of the two Carolinas, the North State was the first to throw off the colonial subjection to the British crown, and to encounter boldly the consequences of those awful words, rebel and traitor, with which kings never fail to denounce those who defy their power and struggle for liberty. She was quick to risk all in war against a foreign power, for liberty and independence, but slow to come into the compact, until she believed the principles of civil and political liberty were sufficiently guarded from controversy at home.

It cannot be denied that the constitution was made and adopted by the States, severally and distinctly; for, until it was ratified by a State for herself, and by her own consent, it had no obligation on her. The ratification of eleven States could not impose it upon North Carolina and Rhode Island; and the vote of twelve States, which included more than twelve-thirteenths of the population of the United States, could not impose it upon the small State of Rhode Island, until accepted by her. There was not one single State that did not ratify in the name of the State, in the name of the people who were bound together in the State Government. Mr. B. referred to the ratification by the State of Pennsylvania, and quoted from it the following words: "Be it known unto all men, that we, the delegates of the people of the commonwealth of Pennsylvania in general convention assembled, have assented to and ratified, and do, in the name and by the authority of the same people, and for ourselves, assent to and ratify the foregoing constitution," &c. Further, in the ratification by the State of New Jersey, is to be found the following language: "In convention of the State of New Jersey," (then the act of the Legislature of New Jersey, authorizing the convention, is recited.) "Now be it known, that we, the delegates of the State of New Jersey, chosen by the people thereof for the purpose aforesaid, having maturely deliberated on and considered the aforesaid constitution, do hereby, for and on behalf of the people of the said State of New Jersey, ratify and confirm the same, and every part thereof."

These two ratifications are fair specimens of the residue, and seem to show the sense and understanding of those who did the acts; that they did it for the State, for the people of the State, acting in pursuance of an act of the Legislature, as binding that State, but not as operating beyond the limits and jurisdiction of the State.

Thus I have given an authentic history of the rise, progress, and ratification of the constitution of the United States. It grew out of the league of friendship and perpetual union contained in the articles of confederation.

It was proposed by virtue of a provision for amendment contained in these articles.

The resolution of Congress, proposing to the States the convention, recited the provision in the articles of confederation as the cause.

The convention was appointed by States, and voted by States.

The report of the convention was approved by the Congress, voting by States.

It was transmitted to the Legislatures of the several States.

The several Legislatures authorized the elections of the conventions, and defined the object, and their powers.

It was ratified by States; and, being so ratified, it became obligatory, according to the seventh article, which is in these words:

"The ratifications of the conventions of nine States shall be sufficient for the establishment of this constitution, between the States so ratifying the same."

Aye, sir, "between the States;" not over the people, but between the States so ratifying. How ratifying? By conventions of the people in each State. If these conventions were not the representatives and delegates of States, why did the constitution provide that, upon the ratification of nine States, it should be established "between the States so ratifying the same?" To say that these conventions were not the representatives of States; to say that the constitution was ratified by and over a mass of people, independent of the authorities and jurisdictions which distinguish and divide them into States, contradicts the language of the constitution, and the fact.

The expression, "we, the people of the United States," in the preamble of the constitution, ought not to be detached from the seventh article, requiring the ratification of nine States, and from all other parts of the instrument, for the purpose of giving a meaning false in fact, and contradictory to its history. They are explained by the resolution for transmitting it to the State Legislatures; by the fact that each State deliberated and ratified for itself; and by the seventh article, which declared it obligatory "between the States so ratifying;" by the known truth that no State was bound, unless by its own assent. The ratification of twelve States did not make it obligatory on the State or people of Rhode Island. "We, the people of the United States." What is the meaning here of the word "united?" Does it mean a united people, consolidated into one mass, without reference to the respective sovereignties into which they had been divided under separate State Governments? No, sir; it is States united; not united people without their States. People may exist without States, but States cannot exist without people. "United States," by the force of expression, means a plurality of States, a plurality of sovereignties or Governments united. The resolution of Congress, of February 21, 1787, recommending the convention under which the delegates were appointed and acted, declared the objects to be "for the sole and express purpose of revising the articles of confederation," and reporting "such alterations and provisions therein, as shall, when agreed to in Congress and confirmed by the States, render the federal constitution adequate to the exigencies of Government, and the preservation of the Union." What Union? That which had been formed, and then existing—the union of States—signified on their ensign armorial by the thirteen stripes and thirteen stars, forming a new constellation; and yet signified on our escutcheon by the stars, the bundle of arrows in the talon of the eagle, and the motto "*E pluribus unum*"—out of many Governments, one.

The respective State conventions, (called to deliberate on the proposed alterations in the old "federal constitution," by the new constitution,) represented the respective State Governments. The assent of the State Legislature was a prerequisite to the assemblage of such a convention. The Legislature prescribed the time and manner of the election, and limited the purpose and power of the convention. The convention, so elected and assembled, did not dissolve the State Government; they had no power to dissolve or revise the State constitution; their delegations of power from the people were confined, by the law for the election, to deliberations and action on the proposed constitution. Each convention acted as the agents and delegates of a people knit together by the particular State Government under whose authority it was elected and assembled, not as the agents of people who had no Government, or who intended to dissolve their existing State Government.

That the State Governments are the first-born, the elder; that they were endowed with the rights of "free and independent States;" in possession of the powers, privileges, attributes, and prerogatives of sovereign States; that the Federal Government is the younger; that it sprang from the States; that it owes its being and powers to the concessions of the State Governments; that its powers are delegated and limited; derivative, not inherent; that the powers not delegated to it are reserved to the States—are solemn truths, attested by the memory of witnesses; by the journals; by public records; by authentic testimonials deposited in our archives, and in those of foreign nations; by the constitution itself. Neither the breath of sophists, nor the denials of politicians, nor the dictums of courts, nor the proclamation of a President, can obliterate the past, demolish the facts, nor hide these truths from the common sense of mankind.

The federal constitution was not only created by the States, but is a compact between the States. The seventh article is a testimony to this. The ratification of nine States shall make it "obligatory between the States so ratifying." The instrument abounds with compacts between the States. The ratifications of the States of New Hampshire and Massachusetts treat the instrument according to truth, as a compact between the States. [Mr. B. read the ratification of the State of Massachusetts, as follows:]

"In convention of the delegates of the people of Massachusetts, February 6th, 1778." "The convention having impartially discussed and fully considered the constitution for the United States of America, reported to Congress by the convention of delegates from the United States of America, and submitted to us by a resolution of the general court of the said commonwealth, passed the 25th day of October last past, and acknowledging, with grateful hearts, the goodness of the Supreme Ruler of the universe in affording the people of the United States, in the course of his providence, an opportunity, deliberately and peaceably, without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new constitution, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity, do, in the name and behalf of the people of the commonwealth of Massachusetts, assent to and ratify the said constitution for the United States of America."

Mark the expressions, "in affording the people of the United States" "an opportunity" "of entering into an explicit and solemn compact with each other," "do, in the name and behalf of the people of the commonwealth of Massachusetts, assent to and ratify," &c. The people of the "commonwealth of Massachusetts" ratify "a compact." With whom? Between the said people of the "commonwealth of Massachusetts," and the people of the other United States. The assent of the majority of delegates of the people of the commonwealth of Massachusetts bound the whole commonwealth to the compact with the people of the other commonwealths, who, by the assent of the majority in each commonwealth, bound the dissenting minorities. But the dissenting minority in each commonwealth could not be bound to a compact, but by force of the power of the majority of a commonwealth to bind the minority, according to the provisions of the State constitution. Dissenting minorities could not contract with dissenting minorities, but by force of the State Government, which made the will of the majority bind the minority.

The ratification of New Hampshire, like that of Massachusetts, contains a grateful acknowledgment for the opportunity afforded to the people of the United States of entering into a solemn compact with each other.

A majority of the whole people throughout the Union did not, and could not, make the constitution obligatory. The assent of each particular State was necessary to bind the people of the State. The assent of twelve States did not bind the people of New Hampshire: they were not bound by the constitution until the State itself assented.

Mr B. continued his argument by asking the members of the Senate how that body itself was constituted? By the action, the separate action, of the State Legislatures, and not by the citizens of the United States, in primary assembly, or as a body. It was, as one of the coordinate branches of the Government, dependent for its very existence upon the States separately. If a majority of the States should refuse to elect Senators, such a refusal or omission would involve a dissolution of the Union. In the event of such a refusal, there could be no alternative, for there was no compulsory power in relation to the elections. There was no power in the constitution to change or compel the elections. The States, great or small, as they might be, however wide or limited in extent, were there all represented on terms of the most perfect equality. This was a plain, evident, and absolute principle, which could not, by any sophistry, be evaded. Recollect that direct taxes, and the apportionment of representatives among the several States, according to their respective populations, in federal numbers, is another fixed principle of the compact; that is to say, according to the number in each, "determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." Are the representatives elected as by or for a single nation? No: according to States and State population. On this subject a great struggle took place at the last session in the debate on the bill to fix the ratio of representation under the fifth census. No Senator, who had attended the discussion of this interesting subject, could fail to recollect the numerous arguments advanced, and ingenious propositions for transferring and disposing the fractions produced in each State, when the number proposed for the ratio of representation was applied to the federal number in each State.

That the constitution is not based upon the idea of a single nation, may be illustrated by other parts. "New States may be admitted by the Congress into this Union," (art. 4, sec. 3.) Not new people, but new States. The new people must be united under a republican form of government, and compose a State, before admission into the Union. "The United States shall guaranty to every State in this Union a republican form of government;" (art. 4, sect. 4.) In this section of the constitution the truth is declared, that "this Union" is of States; and the States, united, are to "guaranty to every State a republican form of government." Every State is a party to this compact for guaranty. The word "guaranty" means, according to use and definition, to undertake to secure the performance of a treaty or stipulation. The constitution is founded on and composed of compacts and stipulations between the States as parties. What is this fourth section of the fourth article, but a compact entered into by all the States, with each and every one, respectively?

Away, then, with this idea of a single nation—a unit. The Government of this Union is based upon a union of States, as parties to a compact. Its fulfilment depends upon the observance of good faith among the States who are parties to the compact, as in all compacts between sovereign parties. Nothing but good faith can preserve the Government. Its life's blood and vitality can be circulated only by the instrumentality of the State Legislatures. The powers delegated to the Federal Government extend to making laws to operate on individuals throughout the United States. But the States have not delegated the power to coerce the State sovereignties, to compel the State Governments. The States are yet free and sovereign States. I mean no cavil about qualified or unqualified sovereignties. What I have before said on that subject will, I hope, prevent misconstruction.

[Here Mr. B. gave way for adjournment.]

THURSDAY, JANUARY 31.

MERCHANTS' BONDS.

Mr. KING then moved to postpone the previous orders, and to take up the bill to explain and amend the 18th section of the bill of July, 1832, to amend the various laws imposing duties on imports.

It was stated by him that this bill must pass before the 15th February, if at all, to be of any avail; and this was urged as a reason for the motion.

Mr. POINDEXTER objected to giving this bill a preference over other bills preceding it in the orders of the day.

Mr. SILSBEE urged the necessity of an immediate action on the bill, for the purpose of preventing great inconvenience to the merchants. He did not anticipate any objections to the principles of the bill.

The motion to postpone having been agreed to, and the bill being taken up,

An amendment reported by the Committee on Commerce, requiring the collectors to give the merchants credit on their bonds for the difference between the high and low duties, and to cancel the bonds on payment of the balance, (in lieu of issuing debenture certificates for the amount of excess of duty,) was agreed to.

The bill was then ordered to be engrossed and read a third time, *nem. con.*

THE REVENUE COLLECTION BILL.

The Senate then resumed the consideration of the bill further to provide for the collection of the duties on imports.

Mr. BIBB resumed the argument which he yesterday began upon the bill. He felt very sensibly, he said, the weight which devolved upon him in sustaining his views of this subject against an authority so highly respectable, and so deeply seated in the affections of the people, as the author of the proclamation, to the doctrines of which it had become his duty to advert. But whilst he stood on the principles of the constitution; whilst he had on his side the opinions of patriots, of lovers of liberty; opinions which were delivered by some of the most eminent of the men who framed the constitution, which opinions were promulgated throughout the United States for the purpose of inducing the adoption of the constitution, he felt himself clad in armor impenetrable to adverse argument, the high authority of the proclamation notwithstanding.

He had left off yesterday, he said, at that point of his argument in which he had maintained that the federal constitution is a compact between the States. He now said, in addition, that he considered every Government instituted by consent, and reduced to the form of a written constitution, to be a compact; and that they who hold the power to alter and amend, and have a sovereign power over the Government, are parties to that compact. The 5th article of the federal constitution, he said, placed the power of amending the constitution in the Legislatures of the respective States, or in their respective conventions. They create, and they can destroy. The constitution, he said, abounds with compacts. Article 1, section 9, contains compacts by all the States jointly, with each severally. Article 1, section 10, contains compacts by the several States not to exercise, and to qualify the exercise of certain powers which might be injurious. The 4th article contains compacts by the several States with each other, and by the whole with each. The proviso in the 5th article is a joint compact by all, and with each other, severally. The various stipulations in the constitution, and especially the equality of representation in the Senate, and the majority required to add new powers or to amend, exhibit sedulous care to preserve to their respective local Governments their local interests.

In prosecution of this jealous care for the preservation of the powers and rights of sovereignty not surrendered by the States, a number of States, at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction, that further declaratory and restrictive clauses should be added. Accordingly, the first Congress held under the new constitution proposed amendments, ten of which were adopted by the States. The tenth of which is as follows: "The powers not delegated to the United States by this constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

"To the States respectively or to the people" is here introduced, out of abundant caution, to prevent the possibility of a construction that the rights not delegated by the people to the State Governments, but reserved, had been, by the federal constitution, taken away from the people, and transferred to the State Governments.

It is clear that the Federal Government was made by the States; that it is a compact between States; that the States are constituent and essential parties to the existence of the Federal Government; that the States surrendered only a portion of their powers and authorities; that all powers not delegated nor prohibited are retained; that they have retained the ultimate sovereignty over the Federal Government; that special care has been taken in the compact to protect against the addition of new powers, unless three-fourths of the States shall concur.

This brings us to the question, how the several States are to be protected against an irregular, unconstitutional action of the Federal Government, in evading a proposition for a grant of new powers by amendment, and substituting therefor a palpable usurpation of powers not delegated.

The abuse of delegated powers is one case. The palpable usurpation of powers not delegated, but reserved, is another case.

How are the several States to be protected against the usurpation of their respective reserved powers? How are minorities of the States to be protected against a breach of the constitutional compact, requiring the concurrence of three-fourths to sanction a further abridgement of their reserved powers? For it is clear that, by the compact, a minority of seven States are intended to be protected against the concurrence of seventeen States, in any regular proposition to delegate to the Federal Government any portion of their reserved powers. Does that security consist solely in the good faith and unambitious temper of the Federal Government? Does the security of the minority of the States against the usurpation of their reserved powers by the delegates of a majority of States not sufficient to carry a constitutional amendment, or against the usurpation of their reserved powers by any one of the departments, rest solely upon the machinery and regulating checks of the Federal Government itself?

It is conceded by me, that, generally, the security against abuses of the delegated powers lies in the nature and organization of the Government itself; the distribution of its powers into several departments; the tenure of office; the mode and frequency of elections, &c. When acting within the pale of delegated powers, the majority must be obeyed for the time. Abuses or maladministration of delegated powers must be corrected through the instrumentality of elections. The security in such cases rests upon the regulating checks contained within the Government itself, the responsibility of the rulers to those who elected them. To abuse and maladminister delegated powers, and to usurp powers not delegated, but reserved, are subjects entirely different.

The question is, whether or no, "in cases of a deliberate, palpable, and dangerous exercise of powers not granted by the said compact, the States who are parties thereto have the right to interpose, for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them."

The question is not whether the State Governments shall direct and control the Federal Government in the exercise of its delegated powers, but whether they shall interpose for arresting the exercise of powers not delegated, but usurped. The question is not whether the Federal Government is the servant of twenty-four masters of different wills, yet bound to obey all, in the exercise of its granted powers, but whether the Federal Government shall be the sole and exclusive judge of the limits of its own powers; an autocrat, the sole director of his own will, and the unbridled usurper of the rights and liberties appertaining to the States.

That there are powers, authorities, and liberties, appertaining to the States, which belonged to them as States, and which they have not surrendered, but reserved, is undeniable. The general principle is clear, that in all compacts, leagues, conventions, and treaties between sovereign States, powers, and potentates, each party has the right to judge whether a breach has been committed by the other party; and in case of a wilful, deliberate breach, to take such measures for redress as prudence and the discretion of the injured party shall dictate.

Is the compact between these States an exception to this general rule? If it is, then the States must, by some action of theirs, have surrendered this portion of their sovereignty. What part of the constitution declares such a surrender? There is no such express declaration of surrender. In the various enumerations of powers prohibited to the States, and agreed not to be exercised by them, there is no declaration that they shall not exercise the right, appertaining to them as parties to the compact, to judge of an excessive, alarming, and dangerous stretch of power by the Federal Government. The abridgment of the powers of the States in this particular, not being expressed, cannot be made out by implication or by construction. The powers not delegated by the States to the United States, nor prohibited to the States by the constitution, are reserved to the States. So says the constitution. What clause in the constitution delegates to the Federal Government the sole power of deciding the extent of the grant of powers to itself, as well as the extent of the powers reserved to the States?

It is said that this power is vested by the constitution in the Supreme Court of the United States. The provisions are,

"The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding."

These are the two provisions of the constitution which are referred to as delegating the power to the Supreme Court, to be the sole judge of the extent of the powers granted and of the powers reserved, and as denying to the States the sovereign power of protecting themselves against the usurpation of their reserved powers, authorities, and privileges. If the delegation to the Supreme Court, and prohibition to the States, are not contained in these two clauses, then they are not to be found in the federal constitution.

The latter clause cannot touch the question in debate, for that only declares the supremacy of the constitution, and the treaties "and laws made in pursuance thereof." Powers exercised contrary to the constitution, acts done contrary to the constitution, by the exercise of authorities not under but in violation of the constitution, and by usurpation of State rights, State authorities, and State privileges, are the subjects under consideration.

Let us examine the former clause: "The judicial power shall extend to all cases, in law and equity, arising under this constitution." The case must be of "judicial power;" it must be a case, "in law or equity," arising under the constitution. The expression is not "to all cases arising under the constitution, treaties, and laws of the United States;" but it is "to all cases in law and equity."

"Use is the law and rule of speech." By this law and this rule we must examine the language of the constitution.

A judicial power is one subject; a political power is another and a different subject. A case in law, or a case in equity, is one subject; a political case is another and a different subject.

Judicial cases in law and equity, arising under the regular exercise of constitutional powers, by laws and treaties made by authority, are different from political questions of usurpation, surmounting the constitution, and involving the high prerogatives, authorities, and privileges of the sovereign parties who made the constitution.

In judicial cases arising under a treaty, the court may construe the treaty, and administer the rights rising under it to the parties who submit themselves to the jurisdiction of the court in that case. But the court must confine itself within the pale of judicial authority. It cannot rightfully exercise the political power of the Government in declaring the treaty null, because the one or the other party to the treaty has broken this or that article; and, therefore, that the whole treaty is abrogated. To judge of the breach of the articles of the treaty by the sovereign contracting parties, and in case of breach to dissolve that treaty, and to declare it no longer obligatory, is a political power belonging not to the judiciary. It belongs to other departments of the Government, who will judge of the extent of the injury resulting from the violation, and whether the reparation shall be sought by amicable negotiation, or whether the treaty shall be declared no longer obligatory on the Government and the people of the injured party. Yet, by the law of nations, the wilful and deliberate breach of one article of a treaty is a breach of all the articles, each being the consideration of the others; and the injured party has the right so to treat it.

By the act approved on the 7th of July, 1798, the Congress of the United States declared themselves of right freed and exonerated from the stipulations of the treaties and of the consular convention theretofore concluded between the United States and France, and that they should not thenceforth be regarded as legally obligatory on the Government or citizens of the United States, because of the repeated violations on the part of the French Government, &c.

Before this declaration, the Supreme Court of the United States was bound, in cases of judicial cognizance coming before them, to take the treaties as obligatory, and to administer the rights growing out of the treaties between France and the United States. After that declaration, the court was bound to consider the treaties as abrogated. The courts had no power, before the act of July, 1798, to inquire into violations, and therefore to declare the treaties not obligatory. After that act, they had no power to demand evidence of the violations recited, and revise the political decision of the Government.

To declare these treaties no longer obligatory was a political power, not a judicial power. Yet the violations of these treaties, committed under the authority of the French Government, and the consequent injuries to the citizens and Government of the United States, and the rights of the United States consequent therefrom, before the act of July, 1798, were "cases arising under the constitution" and treaties of the United States. But the judicial power did not extend to those cases of violation, so as to declare the treaties no longer obligatory. The question whether those violations should or should not abrogate the treaties, did not make a case in law or equity for the decision of a judicial tribunal. Yet they were cases arising under the constitution. The power to decide them belonged to the Government of the United States as a political sovereign; but the judicial power did not extend to them; those cases belonged to the political powers, not to the judicial powers of the Government.

The British courts of admiralty executed upon the commerce of the United States the British orders in council, disclaiming the power to decide whether those orders in council were conformable to the general law of nations, which every nation is bound to respect and observe. In like manner, the French courts of admiralty executed upon the commerce of the United States the Berlin and Milan decrees.

The British and French courts had not cognizance to judge the sovereign powers of the nations, and to declare those orders and decrees contrary to the law of nations; that was not a judicial power. So the courts of the United States, even the Supreme Court, had not the power to declare the treaties between the United States and France, and Great Britain, no longer obligatory upon the citizens and Government of the United States, because of the multiplied wrongs and injuries committed upon the citizens of the United States under color of those orders in council and decrees, infracting the law of nations and treaties, and hostile to the rights of the Government of the United States. Those cases, in their effects upon the treaties and amicable relations between the United States and those Governments, did not fall within the judicial power of the courts of the United States. Those questions did not fall within the description of "cases in law and equity," as used in the constitution of the United States, in conferring, vesting, and defining the powers of the judicial department. Those political powers belong to other departments of the Government. According to the law and rule of speech established by use, such powers are classed under the denomination of political powers, prerogative powers, not under the head of judicial powers.

Before I proceed to illustrate by other examples the distinctions which I have taken between political powers and judicial powers, between political questions or cases and judicial questions or cases, I will refer to the declaration of one whose opinions on constitutional questions I know will command respect; a man to whose opinions I willingly yield my respect, without, however, submitting with that implicit faith which belongs to fools. On the resolutions of Mr. Livingston, touching the conduct of President Adams, in causing Thomas Nash, *alias* Jonathan Robbins, to be arrested and delivered over to a British naval officer, without any accusation, or trial, or investigation in a court of justice, Mr. Marshall, then a representative of Virginia, now chief justice of the United States, in defending the conduct of the President, thus delivered his opinion in that debate.—(Appendix 5, Wheaton, p. 17.)

"By extending the judicial power to all cases in law and equity, the constitution had never been understood to confer on that department any political power whatever. To come within this description, a question must assume a legal form for forensic litigation and judicial decision. There must be parties to come into court, who can be reached by its process, and bound by its power; whose rights admit of ultimate decision by a tribunal to which they are bound to submit. A case in law or equity may arise under a treaty, where rights of individuals acquired or secured by a treaty, are to be asserted or defended in courts." "But the judicial power cannot extend to political compacts." This distinction between a political power and a judicial power is recognised and acted upon by the Supreme Court of the United States, in the case of Williams *vs.* Armroyd, 7 Cranch, 423,433.

Again, in the case of Marbury *vs.* Madison, (1 Cranch, 137; 1st Peters's Condensed Reports, 279,) this distinction between the political powers of Government and the judicial power is most explicitly avowed and recognised by the Supreme Court. The supremacy of that court is a judicial supremacy only. It is supreme in reference to the other courts, in questions of a judicial character, brought within the sphere of judicial cognizance by controversies which shall have assumed a legal form for forensic litigation and judicial decision. There must be parties amenable to its process, bound by its power, whose rights admit of ultimate decision by a tribunal to which they are bound to submit. "Questions in their nature political, or which are by the constitution and laws submitted to the Executive, can never be made in this court."

The decision of the Executive, upon political questions submitted to its discretion, is as supreme as the decision of the court within its jurisdiction. Neither department ought to invade the jurisdiction of the other; so said the Supreme Court of the United States, in Marbury *vs.* Madison. A judicial decision binds the parties litigant in that particular case, not others who are neither parties nor privies, whose rights and privileges are separate and distinct. Not even the court itself is bound to give the like decision between other parties, where a similar question may be involved. Prudence will dictate that a former decision be not lightly disregarded, but adhered to in a subsequent case, unless the judges see an error in the former decision. But honesty requires that an erroneous opinion be not carried into doctrine, and error perpetuated, merely because of the first error. Errors should be corrected, not perpetuated. To err is the lot of man; to correct an error is noble and praiseworthy. No decision binds in law or in morality, beyond the rights of the parties litigant, and those claiming under them as privies; and even there, not until the time for a new hearing or re-trial has expired. But as to all other persons, it binds not. It is contrary to the first principles of justice, that the rights, interests, and privileges of any person should be decided, negatived, and abrogated, before he is heard to make good his title and his claim, his rights and his justification. God in his infinite wisdom did not condemn Adam unheard. And this example of divine wisdom and justice is fit to be imitated by human tribunals.

When parties present themselves before the Supreme Court of the United States to litigate the judicial question involved in that controversy, the decision of the court binds the rights and interests therein represented and litigated; it binds no others.

The public rights, privileges, authorities, and prerogatives of the States, are not the property of individuals, and cannot be represented and brought up for decision by individuals.

In a case between two citizens, parties to an ejectment, claiming lands, the one party under a grant from the State of New York, the other under a grant from the State of Connecticut, in the gore which was claimed by both States, the court was competent to decide the private rights and interests of the parties. But that decision could have no controlling influence over the line of jurisdiction between the two States; because those States were not parties. So said the Supreme Court of the United States in the cases of Fowler *vs.* Miller, and Fowler *vs.* Lindsay, (3 Dallas, p. 411.) And one of the judges, in delivering his opinion, with whom all concurred, asked emphatically, "On what principle can private citizens, in the litigation of their private claims, be competent to fix the important rights of sovereignty?"

The twelfth amendment to the constitution takes away the jurisdiction which had been given to the Supreme Court to hold jurisdiction of a suit against one of the United States by a citizen of another State, or by citizens or subjects of any foreign States; but leaves the jurisdiction conferred over controversies between two or more States. If two States, therefore, have a controversy, which, in its character, makes a case in law or equity proper for judicial cognizance, it may be brought before the Supreme Court. Controversies between two or more States, about territory or limits, may be litigated before the Supreme Court of the United States. But then each State must have an opportunity, as a party, to prosecute or defend her right before the decision can bind her. Those are questions of *meum et tuum;* rights of property which one State claims to the exclusion of the other; not political rights belonging to all the States respectively, where the rights and powers of one State does not exclude but establishes the rights of each and every other. Such rights claimed for all, as belonging equally to each and every of the States respectively, cannot make a controversy in law or equity between two States.

Political powers not delegated to the Federal Government, political powers reserved to the States, constitute the subjects of the propositions which are affirmed on the one side, and denied on the other. The propositions affirmed are, that the powers of the Federal Government result from the compact to which the States are parties; that these powers are limited by the plain sense and intention of the instrument constituting that compact, and no further valid than they are authorized by the grants enumerated in that compact; "and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them."

If the Congress of the United States usurp and exercise a power not delegated, but reserved, it is evident that the controversy about this exercise of power must be between the Government of the United States and the States. How is this controversy to get into the courts, and finally to the Supreme Court, so as to bind the State as one party, and the Government of the United States as the other party? For on no principle can private citizens, in the litigation of their private claims, be competent to fix the important rights of sovereignty. A decision in a case to which a State is not a party cannot bind the State; it is *res inter alios acta.* So said this court, to whom these litigated questions of the limits of sovereign power are supposed to be referred, by those who deny the right of the States to interpose.—Fowler *vs.* Miller and Lindsey, 3 Dall. 412.

Mr. Callender was tried, convicted, and sentenced to fine and imprisonment in the State of Virginia by the federal court, under the sedition law. Now, it is clear that Mr. Callender was not in his individual person the representative of the State of Virginia, so as to bind that State by the decision, and fix her sovereign rights. Mr. Lyon was tried and sentenced in Vermont under the sedition law by the federal court; yet that decision did not bind the State of Vermont. Mr. Cooper was sentenced for sedition by the federal court in the State of Pennsylvania, yet that did not bind that State; neither did all these decisions bind the States, nor settle the point that the sedition act was valid and constitutional; nor would the decision of the Supreme Court have had that effect if such cases could by law have been carried to the Supreme Court.

To bind a State, and command obedience to the decision of the Supreme Court, in a question relating to a dangerous usurpation of powers not delegated, but retained by the States, it is necessary that a case should be brought before that court between the United States and a State, as parties litigant; because, according to the first principles of jurisprudence, none but the rights of parties are bound by the decision.

Where is the grant of power to the judicial department to hold a plea of controversy between the United States and a State, as parties in a controversy touching the political powers alleged to be reserved to the States, respectively, and not delegated to the Federal Government? Is there any thing in the constitution which gives color to the idea that a suit can be maintained in the Supreme Court, or in any of the inferior courts, between the United States as plaintiffs and a State as defendant, or between a State as plaintiff against the United States as defendant, to settle a controverted question of delegation and reservation of political powers? Would such a suit be a case in law or equity according to any usage of speech? Let us try to frame the complaint on the one side, and the defence on the other, and come to the judgment, upon the alien and sedition laws. What sentence is to be passed upon the State? I suppose that her resolutions were seditious and unconstitutional; that she should forever thereafter acknowledge that the alien and sedition laws were constitutional; that she repeal her false and seditious resolutions. Ridiculous!

Let the Attorney General of the United States try to frame a bill in equity, or an indictment for the United States against a State or States; or the Attorney General of a State to frame a declaration at law, or bill in equity, or indictment, for a State against the United States, to try the controverted questions of political powers delegated and retained by the States; draw out the plaint, and it will appear at first blush to be an anomaly, not known in the vocabulary of "cases of law and equity," not to be classed under the judicial power over cases in law and equity, according to any law or rule of speech. There is no grant of power to the Supreme Court to hold jurisdiction of any such plaint or bill. Such a plaint in law or in equity would be a novelty in the history of judicial powers. The portentous consequences of such a jurisdiction in the court would strike with terror and amazement as soon as such a process should be instituted.

The alien act of June, 1798, was enacted when the United States were at peace with all the world. By this it was declared that it shall be lawful for the President of the United States "to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the Government thereof, to depart out of the territory of the United States within such time as shall be expressed in such order." Any alien, so ordered to depart, found at large within the United States, after the time limited in such order, and not having obtained a license from the President to remain, was subject to be imprisoned, on conviction of such disobedience, and never admitted to become a citizen of the United States. To obtain a license, such alien was to prove his innocence, and to give bond and security for his good behavior, and for not violating his license; which the President, however, might revoke at his pleasure. All aliens ordered to depart, who did not obtain license to remain, were liable to be arrested and sent out of the United States, at the discretion of the President.

This act was not levelled against the citizens of any power, State, or potentate, at war with the United States, for there was then no declaration of war by the United States against any foreign power. There was another act passed in July, 1798, "respecting alien enemies," providing for a case of war, and operating only upon the citizens or subjects of the hostile nation or Government. This act of June, 1798, was levelled at alien friends; against those who had been invited by the policy of the States, and the genius and spirit of our free institutions, to fly from the oppressions and convulsions of the old world, and seek an asylum in the States; against oppressed humanity, seeking a home on our peaceful shores. All this numerous class of aliens, not then having completed their naturalization, were placed at the discretion of the President, to be removed upon suspicion, without the form of a trial, except in the mind and judgment of the President. The sedition law operated upon citizens as well as aliens.

These two acts, when made to bear against particular individuals, might have been the subjects of judicial investigation in each particular case; but the decision in such case would have affected only the personal rights of the individuals, parties to the judicial proceeding, but could not fix and bind the important rights of the State sovereignty involved in those two acts of Congress. Those acts, although they had never been brought to bear upon a single person, did invade the political rights and powers of the States, violated that security for liberty of speech, of the press, of the person, which the States respectively had a right, and were in duty bound, to maintain within their respective jurisdictions; and counteracted the policy and interests of the States, by driving from their shores alien friends, whom their laws had encouraged and invited to settle their vast tracts of wild, uncultivated lands; the faith of a sovereign State was pledged; that sovereign was bound to take care that its plighted faith was not violated by the usurpation of another potentate. The private rights and personal security of individuals, and the political rights, authorities, and powers of the State Governments, were both invaded and violated by these two acts. An individual might be indicted for sedition, and sentenced, or be arrested for refusing to depart according to the order of the President, and the court might refuse to discharge him upon *habeas corpus*. The private rights of the individual, when violated under color of the alien or sedition law, might be submitted to the judicial powers. But the political powers, authorities, and liberties of a State, violated by those laws, cannot be subjected to the judicial power of a federal court, supreme or inferior; they cannot be arrested, tried, condemned, removed, or extinguished. Such cases as do not fall properly under the denomination of judicial powers, of cases of law and equity, according to common usage and acceptation antecedent to the constitution, required an enumeration and express delegation to the judicial department to hold cognizance of such classes, of which there are examples in the constitution; such as controversies between two or more States, and between a State and foreign States, &c.

The distinctions between political and judicial powers; between judicial cases in law and equity, and political cases; between the binding effect of a judicial decision on the parties litigant, and its want of obligatory force on others, not parties nor privies, are very necessary to be observed.

The disregard of the usage of speech antecedent to the constitution, and of the distinctions just mentioned, would remove the landmarks of the compact. It would convert the Supreme Court into a political council and board of control, to administer the political opinions of its members. It would confer on the Supreme Court powers too gigantic and terrific, too dangerous to the peace of the United States, to the reserved powers of the States, and to the safety of the Union.

It would carry along with it the power to the Supreme Court to decide upon acquisition of new territories, and upon the admission of States into the Union, formed out of such purchased territories; the power to decide how far infractions of treaties and delays of reparation did abrogate those treaties between the United States and foreign nations.

The whole system of the United States, for ascertaining and adjusting private land claims in the newly acquired territories by commissioners, reserving the final decision to the Congress, depends upon the distinction I have taken.

Remove these distinctions, and the powers of the legislative and executive departments depend on the judgment of the Supreme Court; and the limits of its own powers would depend upon its own will.

A new mode of drawing to the Federal Government the reserved powers of the States is let in, which evades and puts to naught the safeguard to the minority of the States provided by the compact against amendments. The door is open to usurpation and tyranny, by giving the Federal Government the sole and entire control, independent of any control of the States.

By the theory of the constitution, if the Congress desire to exercise a new power not before delegated, they must draw upon the States for a further surrender and delegation of another portion of their reserved powers. To sanction such new delegation of power, three-fourths of the several States must consent, by ratifying the amendment proposed. But in practice, under this new doctrine, that whatever power is sanctioned by the Supreme Court of the United States is constitutional, and the States have no power to interpose, a bare majority of both Houses of Congress, with the assent of the President and the Supreme Court, or two-thirds of both Houses with the assent of the Supreme Court, without the assent of the President, may alter the constitution at pleasure. If the Congress exercise any of the powers reserved to the States by passing an act, let the Supreme Court, in a litigation between two citizens, in which this law is incidentally drawn in question, sanction it as constitutional, then, according to this unlimited power, conferred on the Supreme Court by construction, the act would be constitutional law, sound constitutional doctrine. Protect the authors of the law from a public examination of their conduct, by the terrors of an alien and sedition law, to speak or to write against the authors of the law would be seditious; to oppose the law by force would be treason, rebellion! So say those who contend for the unlimited power of the Supreme Court to decide "all cases arising under the constitution and laws of the United States!" Deny the rights of the States to interpose to arrest the usurpation, and where is the remedy?

Happily, a Legislature cannot be indicted of sedition; a State cannot be indicted of treason, and arraigned at the bar of a court. The general revolt of a whole nation against usurpation and oppression cannot justly be called rebellion. Truth is comprehended by examining principles. A whole people resisting oppression, and vindicating their own liberty and the constitution, commit no crime in so doing. Private men, who swear allegiance to the constitution, who swear "obedience *ad legem*," swear no obedience "*extra vel contra legem*." The oath can detract nothing from the constitution; nothing from the public liberty, which the constitution was intended to protect. It admits the right to protect and preserve the constitution, and imposes a duty to avenge the violation of it.

By the constitution, the diversified particular interests of the States were intended to be under the regular action of the Federal Government, secured and reserved from federal legislation: 1st, by a judicious selection of the delegated powers, the exercise of which were most likely to promote the general welfare of all the States, and least likely to bear oppressively upon any one of them; 2d, by regulations and prohibitions upon the exercise of those powers so specified and delegated, so as to render their action uniform in all the States, and to guard against a preference or favoritism towards any of the States; 3d, by guarding against amendments which might delegate additional powers, and divest the States of further portions of sovereignty, unless such amendments were proposed by two-thirds of the Houses of Congress, or two-thirds of the Legislatures of the several States, and afterwards ratified by three-fourths of the States.

But by this new doctrine of supremacy of the federal court, an irregular action of the Federal Government is substituted in place of amendment. Usurpation of power, if sanctioned by the Supreme Court, is made equal to an additional grant by an amendment of the constitution. A majority of the States combined in interest, may, if sanctioned by the Supreme Court, exercise any powers not delegated, not necessary and proper to execute the powers especially delegated, but new substantive powers to the Government, added by construction, destructive of the particular interests and prosperity of a minority of the States—powers which two-thirds of both Houses, or two-thirds of the Legislatures of the States, would not propose; or, if proposed, would not be ratified by three-fourths of the States as an amendment to the constitution.

A majority of the States elect a majority of the Senators, and a majority of the members of the House of Representatives; and a bare majority of the States may be so taken as that they may elect a majority of electors of President and Vice President. So that a majority of States combined in the assumption of new powers, may exercise such new constructive powers to their agrandizement, and the advancement of their particular interests, to the depression of the particular interests and prosperity of the minority. Such a combination may be perpetuated by the very fact that it is a combination of the majority of local and particular interests. The aggression cannot be corrected by an appeal of the minority for a change of representation in the two Houses, because of the special interests which the majority of the States have in continuing such system of benefits to themselves, at the expense of the minority. The combination can effectually perpetuate itself by continual elections to both Houses, and by the election of the President and Vice President.

This is a short way of adding new powers by assumption of Congress, with the consent of the Supreme Court, and denying the authority of the States to interpose to arrest the evil. It is a new mode of amendment to the constitution, totally variant from the mode prescribed by the constitution. It evades and defies the security and efficient safeguard provided by the constitution, and encourages encroachments which lead to a tyrannical concentration of all the powers of Government, both State and federal, in the same hands.

But there may be instances of usurpations of undelegated power so contrived as to evade the examination and decision of the judicial department, even in suits between the Federal Government and an individual.

The very protective system, which is the source of the unhappy discontents in South Carolina as well as in other States, is a striking example.

The tariff bill, on its title and face, professes to be for revenue. But the duties imposed produce revenue exceeding the wants of the Government for its economical expenditures. The high imposts are enacted for protection of manufactures. But this motive and intent is concealed and not avowed in the bill, howsoever strongly urged on the floors of Congress to induce the high tariff, and howsoever this intent may inflate extravagant and wasteful expenditures, for the purpose of fostering and continuing the high pressure of taxation upon consumers.

Now, the judicial tribunals cannot go out of the act to look for the motives of the members of Congress; they cannot examine into the secret springs of action in the Legislature. So it is decided in the case of Fletcher *vs.* Peck, in the Supreme Court of the United States. As the power to tax imports and collect revenue is expressly delegated, the question of the undelegated but usurped power of protection of one class of citizens, by giving money to them, taken from the pockets of other classes of citizens who consume domestic manufactures, can never arise upon a bill professing to be for revenue. But will the gentlemen who are so ardent for protection of manufactures be pleased to divide these subjects into two acts: the first, for revenue; the second, declaring that over and above the amount of duties necessary for revenue, so much additional duty shall be imposed for protection? Bill number one, for revenue, no citizen will question. But bill number two, for protection avowedly, will be questioned; the judicial tribunals can, at the instance of any individual, who pays the duty for revenue, but refuses to pay the duty for protection, come at the question of delegated or undelegated power. Aye, more, sir; the people will see how much they are taxed for the wants of the treasury; and what for the system of protection to manufactures. I challenge the supporters of the protective system to such a trial.

Government, at best, is but an evil. But it is a necessary evil. It is founded in an imperious necessity arising out of the very nature of man, his imperfection, his appetency to pursue his passion and selfish desires, to the destruction of the rights and interests of his fellow-men. If men were as perfect as angels, then no Government would be necessary. But such is the nature and imperfections of man, that the exercise of the powers of Government tends to increase, not to allay, his lust for dominion.

Few men are willing to lessen their own powers. There are illustrious examples to the contrary. They stand conspicuous and illustrious, because they are exceptions to the general rule. "Power is continually stealing from the many to the few." No wise and practical statesman, who is a lover of rational liberty, none but a political dreamer of the perfectability of man, or one who, expecting to bask in the sunshine of power, loves it more than liberty, would ever construct a Government upon any other plan than that of providing and securing checks and balances against the encroachments and abuses of power. The federal constitution was framed and adopted by wise, patriotic, and practical statesmen, lovers of liberty, inspired with a holy zeal in a revolution to resist the encroachments of power from the central Government upon the rights and liberties of the colonies. They did not, they could not, intend to create a central Government with unlimited powers, nor a Government without sufficient practical checks against the usurpations which might be attempted upon the reserved rights of the States.

The Supreme Court of the United States is not such sufficient check and safeguard against the encroachments of the central Government upon the State Governments. The number of judges of the Supreme Court is not defined by the constitution. That number is but seven at present. Four are a majority of the court. But the number may be increased at the pleasure of the Congress and a President, so as to give a majority of a desired political cast. These judges hold their offices for life, removable by impeachment by the House of Representatives, and conviction by the concurrence of two-thirds of the Senators. Their responsibility is too remote, and the number too few for a high prerogative court, with power to adjust the political powers of the Federal and State Governments, and try the Federal Government when impeached of usurpation and encroachment upon the reserved powers belonging to the States. If the central Government be accused of encroachment and usurpation, its triers, the Supreme Court judges, are, in their turn, liable to be impeached and tried by the central Government. The Congress who commit the usurpation are the only persons who can impeach and try their judges. The offending Congress are to be tried by their judges; and the offending judges are to be impeached and tried by the offending Congress. There is but little wise and practical security in this against the encroachments of the central Government. No plaintiff would feel very safe if the defendant had the sole power to appoint the jury, with the power superadded to accuse that jury of misconduct, and try the accusation. It seems to me that if those wise and practical statesmen and patriots who framed the new federal constitution had designed the Supreme Court to be the sole prerogative court of high and ultimate commission to try the central Government for usurpation of powers not delegated, and the final and sole safeguard for the reserved powers of the States, they would have devised some more certain and direct responsibility of the judges to the States, than by referring their impeachment to Congress, who must be parties, aiders, and abettors in the usurpation. The States would not have adopted the constitution if they had been informed that such was to be its interpretation.

In deliberating upon the extent of the powers intended to be conferred by the constitution upon the several departments, and the powers reserved by the States, we ought to keep steadily in view—

1st. The perpetuity of the Union;

2d. The powers necessary to a fair and energetic administration of the Government, as ordained and established;

3d. The safety of a minority of the States against a combination of a majority;

4th. The security against usurpation and degeneracy into practical tyranny.

These are the great interests of every true American, to which every patriot ought to look with a watchful, steadfast eye.

Every construction of the constitution which tends, in practical operation, to weaken the exercise of the powers plainly conferred, to lessen the security against the combination of a majority of the States against the minority, or to weaken the guards against usurpation and practical tyranny, tends necessarily, in the end, to weaken and dissolve the bonds of union, and ought, therefore, to be rejected.

Union, common defence, and protection, justice to all, rational liberty to all, now and at all times hereafter, were the great ends intended by the constitution. All constructions which tend to subvert these great ends; which tend to invite or encourage usurpation in the Federal Government, or to the usurpation by one department of powers belonging to another department; which tend to invite and encourage a combination of a majority of the States to pursue their interests at the expense of a minority of the States, ought to be rejected as repugnant to the leading objects of the constitution. These leading inducements were, justice to the whole, the welfare of all.

Oppression, injustice, invasion of private property by the insidious arts of legislation, insecurity against the oppressive hand of power, combinations by a majority of confederated States against the minority, have produced revolutions and destruction of Governments, and will reproduce them, unless the human race shall be degenerated into brutal ignorance; non-resistance and passive obedience be inculcated as of divine institution; and every spark of rational liberty shall be extinguished.

The genius of our institutions, the intelligence of the people of the States, the spirit of free inquiry guarantied by the Federal and State Governments, the love of liberty which pervades the great body of the people, all conspire to insure us that the iron age of ignorance, tyranny, and passive obedience is never to infect this land with its baleful gloom, unless preceded by those awful convulsions of party strife and civil war, which desolate social order, and bury science, morals, and religion in the ruins.

Are there no dangers to liberty to be apprehended from referring all the political powers of the Federal Government, and all the reserved powers of the States, to the guardianship of a few judges appointed for life, not removable, except by impeachment for crimes and misdemeanors; not impeachable or removable for error of opinion? So far removed from responsibility, ("for impeachment is not now even a scarecrow,") if transformed into a political court instead of a judicial tribunal, is there no cause to apprehend that a majority of the judges may administer their theory of what the Government should be, instead of the theory as actually adopted by the States? Are no judicial opinions tinctured and discolored with the party feelings and opinions of the day? Is there no cause to apprehend that the judges will follow up the maxim taught in the law schools, and issued from the bench, "*est boni judicis ampliari jurisdictionem*," not only to the enlargement of their own powers, but to the enlargement of the powers and increase of the jurisdiction of the Federal Government, as the means convenient and proper to the end, the amplification of their own jurisdiction?

If the judges of the Supreme Court are to have the final and exclusive authority to settle political questions, touching encroachments upon the reserved powers of the States, and all other political questions arising under the constitution, then, superadded to those qualifications which have heretofore been thought essential for a judge, the primary consideration in selecting him ought to be, in what political school has he been brought up? What are his political opinions on certain great contested political questions? To what political party does he belong? I respect a court of justice, but I abhor a party court. Let us not, by construction, transform a court of justice into a political council of state. Let us not transform the emblem of justice into the emblem of power. Let us not defile the sanctuary of justice with the passions of political parties contending for political powers.

If the Supreme Court is once acknowledged to be the ultimate tribunal for settling the boundaries of political power between the Federal Government and the State Governments, so as to bind the parties to the compact, then it will inevitably follow that the court will be the subject of political party strife. Reform in the court, by infusing a new spirit by other or additional judges, will become the subject of political party strife as much as reform in the executive administration. The majority of Congress and the Executive might at any time add to the bench of the Supreme Court a sufficient number of judges to carry an important question of political power. The British ministry advised the King to create a sufficient number of new peers to carry the reform bill. The power of a majority of Congress, with the aid of the President, to create new judges, for a special occasion, is as effectual as the power of the King to create new peers.

The principles of civil justice to be administered by the judicial tribunals are fixed, immutable, and eternal; they are so nearly assimilated in all civilized nations, that they may be made universal. But the notions of political justice, and balances of political power, are mutable and variant, differing, like the complexions, habits, education, and feelings of politicians.

If the Supreme Court is to be the sole and exclusive judge in the last resort, not only of judicial questions properly submitted to it by the forms of the constitution, but also of all questions touching the confines of political powers delegated and not delegated by the compact, then not only the legislative and executive departments of the Government hold their powers at the will of this court, but the concurrence of this court, with the other departments of the Federal Government, "in usurped powers, might subvert forever, and beyond the possible reach of any rightful remedy, the very constitution which all were instituted to preserve." If one of the parties is to be the sole and exclusive judge of the extent of the powers to him delegated, and of the concessions made by the other parties, then such party would have an unlimited and supreme authority over the other parties. It is not sufficient to discriminate in theory the several classes of power, and distribute them between the legislative, executive, and judicial departments; neither will it suffice to mark with precision the boundaries between the powers delegated to the Federal Government and those retained by the States, and trust to these parchment barriers for defence against the insatiable appetite and restless gnawings of power. Experience teaches that the efficacy of such paper barriers are too feeble to withstand the scorching desires of power, and that some more adequate defence is indispensable to secure the more feeble against the more powerful members of the Government.

The judicial department does not present the requisite security in matters of such transcendent and vital importance. The judges of the Supreme Court are too few in number. The permanent tenure by which their appointments are held, as well as their salaries and the mode of their appointment, destroys all sense of dependence on the States, and lifts them above the common burdens of the people; and, from the very nature of their callings, they see human nature in the worst light.

These are but too apt to infuse into their minds high-toned notions of a forcible consolidated Government, as necessary to "save the people from their worst enemy—themselves." Judges, in a long course of official duties, are familiarized to the sight of frauds, chicaneries, misdemeanors, and crimes; accustomed to exercise the force of the laws upon knavish wealth, naked poverty, and squalid vice; they are but too apt to confound the distinction between the judicial powers necessary to administer the laws, and political powers necessary to prescribe the laws; between the powers necessary to be granted to secure and protect against a violation of the laws by the vicious, and the powers necessary to be reserved to the good for protection and security against a violation and abuse of the political powers of the Government.

In England, from the time that Alfred hung the forty judges for illegal and corrupt practices, to the trial and conviction of Algernon Sidney for high treason, in writing that celebrated treatise on Government, (which, since his execution, has been published,) against the divine right of kings, and the doctrines of non-resistance and passive obedience, and from that time to this, the history of judicial power, as exercised, teaches this solemn truth --judges are but men, fallible men.

The history of judicial power in our own country and in our days, is not less impressive.

But I forbear.

I respect an independent, upright judge. There is a generous confidence yielded by the moral sense of the community to such an officer. He is looked upon as the guardian of civil rights, the protector of life, liberty, and property. But the judge who exhibits himself as the zealot of a political party, freezes the generous confidence of the people, and turns it into fear and trembling.

It is well remarked in the 51st No. of the Letters of Publius, in relation to the judicial department, that "the permanent tenure by which the appointments are held in that department must soon destroy all sense of dependence on the authority conferring them."

I defend the framers of the constitution from any intention of conferring on the Supreme Court such transcendent powers. I will not slander the characters of the dead, nor of the survivors, by supposing that these zealous patriots and enthusiastic defenders of the rights of the colonies against the central power of Great Britain, could have been traitors to their principles. It is impossible, to my belief, that the statesmen who were members of the respective State conventions could have intended to adopt a Government so destitute of all reasonable defence against the encroachments of power and the uncompromising purposes of self-interest, as this would be, if the Supreme Court were the sole expositor of the constitution in the last resort, and in "all cases arising under the constitution and laws of the United States."

If the General Government is to be the exclusive judge of the extent of the powers delegated to it, the discretion of those who administer the Government, and not the constitution, would be the measure of their powers. And if one department of that Government, the judiciary, is to be the sole and final expositor, then its discretion, and not the constitution, would be the measure of their powers. Such a construction invites those who exercise power to arrogate more than they have a right to, by declaring they are the sole, final, and exclusive judges of the measure of their own powers.

Far different was the language of those who made the constitution; of those who recommended it for adoption, and of those who were deliberating on its adoption. It was declared, so recommended, and so adopted, to be a Government of limited powers, few and defined; that the powers of the State Governments were numerous and indefinite, and that the State Governments were "constituent and essential parts of the Federal Government;" "that the State Governments would be the sentinels and the authoritative bulwarks against encroachments of the Federal Government."—Federalist, No. 45, p. 292.

In the 45th No. of the Letters of Publius, p. 290, it is declared that "the State Governments may be regarded as constituent and essential parts of the Federal Government." "Each of the principal branches of the Federal Government will owe its existence, more or less, to the favor of the State Governments, and must consequently feel a dependence which is more likely to beget a disposition too obsequious than too overbearing towards them."

Again, in the same number: "The powers delegated by the proposed constitution to the Federal Government are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last, the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."

Again, in No. 46: "But ambitious encroachments of the Federal Government on the authority of the State Governments would not excite the opposition of a single State, or a few States only. They would be signals of general alarm. Every Government would espouse the common cause. A correspondence would be opened. Plans of resistance would be concerted." "The same combination, in short, would result from an apprehension of the federal, as was produced by the dread of a foreign yoke; and unless the projected innovations should be voluntarily renounced, the same appeal to a trial of force would be made in the one case as would be made in the other. But what degree of madness could ever drive the Federal Government to such an extremity?"

Again, page 299: "The only refuge left for those who prophesy the downfall of the State Governments is the visionary supposition that the Federal Government may previously accumulate a military force for the objects of ambition. That the people and the States should, for a sufficient period of time, elect an uninterrupted succession of men, ready to betray both; that the Governments and people of the States should silently and patiently behold the gathering storm, and continue to supply the materials, until it should be prepared to burst on their own heads, must appear to every one more like the incoherent dreams of a delirious jealousy, or the misjudged exaggerations of a counterfeit zeal, than like the sober apprehensions of genuine patriotism. Extravagant as the supposition is, let it, however, be made. Let a regular army, fully equal to the resources of the country, be formed; and let it be entirely at the devotion of the Federal Government; still it would not be going too far to say, that the State Governments, with the people on their side, would be able to repel the danger."

Again, in the same No.: "Notwithstanding the military establishments, in the several kingdoms of Europe, which are carried as far as the public resources will bear, the Governments are afraid to trust the people with arms. And it is not certain that, with this aid alone, they would not be able to shake off their yokes. But were the people to possess the additional advantages of local Governments chosen by themselves, who could collect the national will and direct the national force, and of officers appointed out of the militia by these Governments, and attached both to them and to the militia, it may be affirmed, with the greatest assurance, that the throne of every tyranny in Europe would be speedily overturned, in spite of the legions which surround it."

Again, in No. 48: "It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it. After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each against the invasion of the others." "Will it be sufficient to mark with precision the boundaries of these departments in the constitution of the Government, and to trust to these parchment bargains against the encroaching spirit of power?" "Experience assures us that the efficacy of the provision has been greatly overrated, and that some more adequate defence is indispensably necessary for the more feeble against the more powerful members of the Government."

The residue of this No., and Nos. 49 and 50, are devoted to prove, by very many examples, "that a mere demarcation on parchment of the constitutional limits of the several departments, is not a sufficient safeguard against those encroachments which lead to a tyrannical concentration of all the powers of Government in the same hands."

In No. 49, it is said: "We have found, in the last paper, that mere declarations in the written constitution are not sufficient to restrain the several departments within their legal limits."

Again, in No. 51: "To what expedient, then, shall we finally resort, for maintaining the necessary partition of power among the several departments as laid down in the constitution? The only answer that can be given is, that if all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the Government, as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places."

The first safeguard suggested is, that each department should have a will of its own, and the members of each should have as little agency as possible in appointing the others. In the execution of this principle rigorously, "all appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication with each other." Difficulties are then suggested, which render some deviations from the rigorous execution of that principle proper. In the constitution of the judiciary department, in particular, it might be inexpedient to insist rigorously on the principle, (election by the people;) first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department must soon destroy all sense of dependence on the authority conferring them.

Another great security against a gradual concentration of the several powers in the same department "consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments from the others." "In framing a Government, which is to be administered by men over men, the great difficulty lies in this: you must first enable the Government to control the governed; and, in the next place, oblige it to control itself. A dependence on the people is, no doubt, the primary control on the Government; but experience has taught mankind the necessity of auxiliary precaution."

After reasoning upon the subject of these auxiliary precautions generally, the celebrated author of this number of Publius exhibits some as peculiarly applicable to the Federal Government, p. 326: "There are," says he, "moreover, two considerations particularly applicable to the federal system in a very interesting point of view.

"First. In a single republic, all the power surrendered by the people is submitted to the administration of a single Government; and the usurpations are guarded against by a division of the Government into separate and distinct departments. In the compound republic of America, the power surrendered by the people is first divided between distinct Governments, and then the portion allotted to each divided among distinct and separate departments. Hence, a double security arises to the rights of the people. The different Governments will control each other, at the same time that each will be controlled by itself.

"Secondly. It is of great importance in a republic not only to guard society against the oppression of its rulers, but to guard one part of society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil; the one by creating a will in the community independent of the majority; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable."

The 52d No. concludes by adverting again to this security arising from the control of the State Governments. "The conclusion resulting from these examples will be a little strengthened by these three circumstances. The first is, that the Federal Legislature will possess a part only of that supreme legislative authority which is vested completely in the British Parliament; and which, with a few exceptions, was exercised by the Colonial Assemblies and the Irish Legislature. In the second place, it has, on another occasion, been shown that the Federal Legislature will not only be restrained by its dependence on the people, as other legislative bodies are, but that it will be, moreover, watched and controlled by the several collateral Legislatures, which other legislative bodies are not."

The letters of Publius, thus explaining the principles of the constitution, and the checks and balances, were published to the people of the United States, and had very great influence in recommending the proposed constitution. In the State conventions assembled to consider the proposed constitution, the same explanations were repeated again and again, as well by distinguished members of the federal convention which framed and proposed the new constitution, as by the other advocates for its adoption. The apprehensions that the new constitution was or could be made a Government of unlimited powers—that the rights and powers of the State Governments could be absorbed by construction—that all powers, foreign and domestic, could be melted in the crucible of federal power, and consolidated in one mass, to be used at pleasure by the Federal Government, as its administrators might think fit and convenient for the general welfare, were pronounced idle and visionary. Those who entertained such fears were called political dreamers, arguing against the plain sense and meaning of the instrument. It was over and over again explained as a Government of defined powers, with safe and sufficient checks and balances to guard against the exercise of powers not delegated by the States: as a Government deriving its powers by special delegation, leaving to the State Governments all their rights, powers, and privileges not delegated nor prohibited. In that sense, it was adopted by the States. But to render assurance doubly sure, they proposed and adopted the tenth amendment, declaring—

"The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." Mark! to the States "respectively," not collectively.

When the new federal constitution was framed and proposed for adoption, the encroaching nature of power had been severely felt and not forgotten. The necessity to fortify against its usurpations was well understood, and the principles of republican government were adored with a frank and generous spirit. In those early seasons of virtue and devotion to liberty, the letters of Publius appeared, abounding with sound political maxims and elementary principles of republican government, drawn from the deepest fountains of knowledge--the history of past times, observations on the present, and the reflections of the wise, the good, the philanthropic, and the patriotic.

These principles are clearly stated and forcibly illustrated in the letters of Publius, that the State Governments are constituent and essential parts of the Federal Government; that the powers of the proposed Federal Government are few and defined; that those which remain to the State Governments are numerous and indefinite; that the change proposed by the new constitution consists much less in the addition of new powers to the Union, than in the invigoration of the old, except only as to the regulation of commerce; that power is of an encroaching nature; that it ought to be effectually restrained from passing the limits assigned to it; that one security is, by written constitutions; a second by distribution of powers into legislative, executive, and judicial; a third, that these powers be intrusted to different hands; that mere demarcations of powers and written declarations in a constitution are not sufficient to restrain the legislative, executive, and judicial departments within their assigned limits, nor to prevent their encroachments, the one upon the other, nor to prevent the tyrannical concentration of all the powers of Government in the same hands; that, to oblige the Government to control itself, and keep within its assigned limits, some additional auxiliaries over and above paper barriers, and dependence on the people, are necessary; that these additional auxiliaries consist in providing that each department may have a will of its own, and that each be invested with the constitutional means and personal motives to resist encroachments of the other departments.

The Federal Government is then represented as containing all the securities of a single republic, by the divisions of the several classes of executive, judicial, and legislative powers among the several distinct departments; but, also, that by the division of powers between the State Governments and the Federal Government, each department will watch the others; each Government will have a tendency to control itself, and the different Governments will control each other; that this Federal Government will be doubly watched and controlled by the people and by the State Governments.

The letters of Publius do most explicitly explain that the State Governments were safeguards against the encroachments of the Federal Government, not only as being constituent parts, but by reason of having a will of their own; capable of watching, capable of directing their force, and having the control of the militia.

In the debates in the New York convention on the adoption of the federal constitution, Mr. Hamilton urged the same security against federal encroachment. He said: "The people have an obvious and powerful protection in their State Governments. Should any thing dangerous be attempted, these bodies of perpetual observation will be capable of forming and conducting plans of regular opposition. Can we believe the people's love of liberty will not, under the incitement of their legislative bodies, be roused into resistance, and the madness of tyranny be extinguished at a blow?"

The resolutions of Kentucky and Virginia, of 1798, and of Virginia at the session of the Legislature of 1799, concur in ascribing to the State Governments the rightful power to interpose to arrest dangerous usurpations by the Federal Government.

Here it is convenient to remark that the report and resolutions of the Legislature of Virginia, of January, 1810, do not in the least conflict with the resolutions of Virginia of 1798 and 1799, and Kentucky of 1798. Those of 1810 relate to a proposition from Pennsylvania to provide, by amendments to the constitution, for cases of conflicting decisions between the State courts and the federal courts. Those of 1798 and 1799 relate to deliberate and palpable usurpations by the Federal Government of the dangerous powers, other than those delegated.

The inaugural address of Mr. Jefferson recommends "the support of the State Governments in all their rights as the most competent administrators of our domestic concerns, and the bulwarks against anti-republican tendencies." The letters of Publius, before the State conventions convened; the explanation in the conventions, by the advocates of the proposed constitution; the resolutions of Virginia and Kentucky of 1798 and 1799; and the inaugural address of Mr. Jefferson, all concur in asserting the rights of the State Governments to arrest and prevent the dangerous usurpations of the Federal Government.

Without these conservative principles, "these bodies of perpetual observation," the Federal Government would soon become the sole arbiter of its powers, with a faculty within itself to increase its powers and multiply its authorities without limit; to riot in irresponsibility, and dazzle by its splendor; to attract to itself all the powers of the State Governments, and, in its omnipotency, to grind the States into dust. Such a Government, overwhelmed by the multiplicity of its concerns, could not enter into the details of legislation. Large discretionary powers would be conferred on the Executive; in place of law, executive discretion must govern; security for life, liberty, and property will vanish; the voice of the people will be stifled, until the evils shall accumulate beyond endurance; and then there would be no relief but in convulsion, no remedy but in revolution. Such must be the inevitable result of consolidating State and federal powers into one Government, extended over such a widespread surface, so various in climate, productions, pursuits, habits, and interests. One central Government, with general and defined powers of legislation, cannot diffuse the blessings of good order, security, responsibility, and rational liberty, throughout such a vast territory. The State Governments are necessary parties and towers of defence.

But we are providing by this bill to compel a State into submission; to exhibit the spectacle of a Government at war with itself. This power of compelling a State was proposed in the convention, and rejected. On the 15th June, 1787, Mr. Paterson, of New Jersey, submitted to the convention various resolutions. The eighth was, that the acts of the United States, and treaties, &c. "to be the supreme law," &c.

"And if any State, or any body of men in any State, shall oppose or prevent the carrying into execution such acts or treaties, the Federal Executive shall be authorized to call forth the powers of the confederated States, or so much thereof as may be necessary to enforce and compel an obedience to such acts, or an observance of such treaties."

On the 19th of June, this proposition (with the others submitted by Mr. Paterson,) was voted upon in Committee of the Whole, and negatived; seven States voting against it, and only three for it.

Here Mr. B. yielded the floor to

Mr. **POINDEXTER**, who moved that the Senate now adjourn. Yeas 11, nays 19.

So the Senate refused to adjourn.

Mr. **BUCKNER** then moved to postpone the further consideration of the bill, and to make it the special order of the day for to-morrow.

Mr. **WEBSTER** rose to a point of order. The gentleman from Kentucky had given way, in the usual manner, to a motion to adjourn. Such was the practice in the Senate. But if a gentleman yielded the floor for any other motion, he yielded the right to resume it.

Mr. **POINDEXTER** said, it must be apparent to the Senate that the question now before the Senate was one of the greatest importance. He had never before seen a disposition manifested by this body to refuse to a member an opportunity for rest and research in order to enable himself to close his argument in a manner which would be satisfactory to himself and to the country. If the Senator from Massachusetts were disposed to speak to the Senate for a week, he would always vote for adjournment when it was requested.

The **CHAIR** decided that if a Senator yielded the floor for any other motion than a motion to adjourn, he lost the right to the floor.

Mr. **POINDEXTER** then renewed the motion to adjourn, and asked for the yeas and nays, which were ordered. The question was then taken, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Buckner, Calhoun, Clay, King, Mangum, Miller, Moore, Poindexter, Rives, Robinson, Tyler, White.—14.

NAYS.—Messrs. Chambers, Clayton, Dallas, Dickerson, Dudley, Foot, Frelinghuysen, Hendricks, Hill, Holmes, Kane, Knight, Robbins, Seymour, Silsbee, Tipton, Tomlinson, Webster, Wilkins, Wright.—20.

So the Senate refused to adjourn.

Mr. **BIBB** then continued a few minutes longer, when he again gave way; and,

On motion of Mr. **MANGUM**,

The Senate adjourned.

FRIDAY, FEBRUARY 1.

REVENUE COLLECTION BILL.

The Senate having resumed the consideration of the special order of the day, which was "a bill further to provide for the collection of duties on imports"—

Mr. BIBB resumed his argument. Shall we, said he, make war upon South Carolina? Shall we clothe the President with the power to proclaim war against one of the States of this Union? If so, for what cause? In a foreign war it is of the utmost importance that it be just; that it be the only, the last sad alternative between submission forever to grievous wrong, or a forcible redress. Before we authorize war with a member of the confederacy, we should look with yet greater caution to the justice of our cause. We should consider well the cost of the conflict, the probable consequences, and the final result. Lord North's fatal delusion of prostrating America at his feet, his disregard of the just complaints of the colonies, his confidence in the British power, severed the colonies from the mother country. Let us not, by a like fatal delusion, dissever this Union. Our policy to demand nothing but that which is just, and to submit to nothing that is wrong, has given us unparalleled success in our wars and in our negotiations. The justice of our cause, our forbearance to seek justice by war until all other means have been exhausted, have hitherto blessed us with the smiles of Providence. Our tower of strength, our monument of glory, will nod from on high, and totter to their fall, if we rashly and unjustly wage war upon a sister State. Have we justice on our side? What are we to get by the war? Is war the only alternative? Why shall we go to war with South Carolina? She has adopted an ordinance, and passed certain legislative acts; and she has issued a manifesto, all aimed against the system of protection, cloaked under color of revenue.

For years South Carolina and other States have remonstrated against the system of protection as oppressive to them, and unwarranted by the constitution. Is South Carolina right or wrong in demanding a reduction of the tariff? Is not a reduction demanded by justice and expediency? Whilst gentlemen are thrusting at others with the authoritative doctrines of the President, as announced in the proclamation and message, I interpose the shield of the same high authority. The President, in his message at the opening of the session, and again in the message to which this bill professes to be a response, has recommended a reduction of the tariff as due to justice and sound policy. Instead of complying with this, another part of the message is seized, and this bill is reported to execute injustice and oppression by the sword, the bayonet, and the cannon. Can we expect our affairs to prosper under such a course? Can the Union stand this? Will the other Southern States, who are smarting under a sense of the injustice and oppression of the tariff, remain inactive spectators of war and carnage perpetrated in such a cause? Can we expect that an overruling Providence will smile upon a war so begun, and so prosecuted, against a weak sister? We should recollect that justice is an attribute of God himself. The principle is of divine origin and institution, immutable and eternal. Human law and human force cannot convert injustice into justice. Our armies and our navy are but as dust in the balance, compared with the power of Omnipotence to execute the divine decrees of justice. Sooner or later, divine justice will overtake and punish the guilt of nations. We have cause to recollect that the race is not always to the swift, nor the battle to the strong. There is an overruling power; a Providence which attempers the winds to the shorn lamb. Let us turn our ears to the complaints of South Carolina. Let us hearken to the voice of reason. Let us not betray an unmanly passion, because a sister has rebuked our power. Let us be just. Let us come to legislative action on the tariff, the source of complaint and grievance to South Carolina; the fruitful source of discontents elsewhere. Let us see if there is not a speedier and more effectual mode by which the discontents of South Carolina may be healed, by which gladness and joy may be diffused throughout the United States, instead of the baleful gloom which must be excited by the horrid spectacle of a nation at war with itself.

If we make war upon South Carolina to put down her principles, we ought to be certain that those principles are bad, dangerous, and repugnant to those upon which the federal constitution is based.

What are her principles? That in all questions touching her rights and powers not delegated to the Federal Government, she has a right to judge as to the usurpation, and as to the mode and measure of redress. Not that she claims the right to arrest the execution of a lawful act of Congress, but that she has a right, within her jurisdiction, to arrest an unlawful act of Congress; such an act as the constitution has not sanctioned; which is null and void, because it was enacted by usurpation of powers not delegated; unlawful, because the constitution is the supreme law, higher than the Congress, overruling the acts of Congress; unlawful, because the genius of the constitution, if consulted, pronounces it null and void. South Carolina has said that the system of protection, engrafted upon the imposts, is a power never granted by her to the Federal Government. She says that the system of protecting manufacturers is unjust, and oppressive to the people of South Carolina, and destructive of their interests and happiness; moreover, the people of South Carolina have said, that, if the Congress shall attempt to enforce that protective system upon them by force of arms, they will resume all the powers, rights, and prerogatives of a sovereign State, independent of the Union.

Now, Mr. President, I wish it to be distinctly understood, that, whilst I concur in the doctrines of the Virginia and Kentucky resolutions of 1798, 1799, and 1800, I do not mean to approve the time, manner, and occasion in which South Carolina has applied them to practice. They are great conservative principles, not to be carried into practical effect but on great and pressing emergencies, when all other means of staying the hand of lawless aggression have been tried—unsuccessfully tried; and when war and revolution, in Governments differently organized from ours, would be justifiable in the eyes of liberal, enlightened, and impartial men. These great conservative powers and privileges, like all other powers, are liable to abuse in the hands of indiscreet and heated partisans. But yet, as some great conservative power is necessary to control the Government itself, to hold it in subjection to the constitution, to keep it within the limits of delegated power, I believe such regulating check more safely lodged in the whole body of a State—a whole nation of people; and there less liable to abuse than if lodged in the hands of a few, and those few exposed to many temptations to sanction the usurpations, as participators in the power and emoluments of the usurpation.

Having been, I hope, sufficiently explicit to defend myself against misrepresentation in these times of political excitement, by errors unintentional, committed in reporting and relating what has been spoken, I shall proceed to defend South Carolina and the Union against the effects of the bill before us.

Mr. President, I ask to be informed when and where, and by what instrument or act, South Carolina, or any other State of this Union, has divested herself of the right to judge whether the great end and aim of adopting the federal constitution has been attained? Of the right to judge whether her undelegated powers have been usurped; whether the trustees and agents, intrusted with powers for one purpose, have abused and perverted them to another? Of the right, in cases of such abuse, usurpation, and maladministration, to judge of the mode and manner of redress? How or when did South Carolina attempt to surrender, forever, for all generations to come, the right to resist injustice and oppression, and engage the present and all future generations to the doctrines of non-resistance and passive obedience?

An axiom is engrafted into many of our State constitutions, "that frequent recurrence to fundamental principles is essential to the preservation of liberty." The declaration has but too much truth; there is, I fear, great difficulty in getting men in power to hearken to the precept. There are certain rights, declared to be inherent and unalienable. In this, the bill of rights in State constitutions, and the great declaration of all the colonies addressed to the family of nations in 1776, will be found to agree. Mr. B. read from the declaration of independence as follows:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

It would be tedious to recite from State constitutions all the declarations in accordance with the great principles asserted by the thirteen States in the declaration of independence. All the American Governments are based upon these great principles of human liberty; the federal constitution itself is based upon them; they make a part of it. All its powers and authorities must be construed in subserviency to those unalienable rights.

The State of New York, in the very act by which she ratified the new constitution, did declare "that all power is originally vested in, and consequently derived from, the people, and that Government is instituted by them for their common interest, protection, and security." "That the enjoyment of life, liberty, and the pursuit of happiness, are essential rights, which every Government ought to respect and preserve." "That the powers of Government may be resumed whensoever it shall become necessary to their happiness; that every power, jurisdiction, and right, which is not, by the said constitution, clearly delegated to the Congress of the United States, or the departments of the Government thereof, remains to the people of the several States, or to their respective State Governments." After enumerating various other rights, the act of ratification proceeds thus: "Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said constitution," &c., the delegates do, "in the name and on behalf of the people of the State of New York," assent to and ratify the said constitution.

The State of Rhode Island, in her act of ratification, incorporates these principles: "That there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety." "That the powers of Government may be re-assumed by the people, whensoever it shall become necessary to their happiness." "That at all times the military should be in strict subordination to the civil power." "Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said constitution," &c., they do, "in the name and on behalf of the people of the State of Rhode Island and Providence Plantations," assent to and ratify the said constitution.

The State of Virginia, in their act of ratification, declared that the powers granted under the constitution are derived from the people, "and may be resumed by them, whensoever the same shall be perverted to their injury or oppression;" "and that every power not granted remains with them, and at their will: that no right, of any denomination, can be cancelled, abridged, restrained, or modified by the Congress, by the Senate or the House of Representatives, acting in any capacity, by the President, or any department or officer of the United States, except in those instances in which power is given by the constitution for those purposes."

The State of South Carolina, by her act of ratification, used these words: "This convention doth also declare that no section or paragraph of the said constitution warrants a construction that the States do not retain every power not expressly relinquished by them, and vested in the General Government of the Union."

These ratifications, with the incorporated declarations of certain unalienable rights, and that all rights not delegated are retained, were accepted by the old Congress; and the new constitution was put into operation.

The great principles, that Governments are instituted for the happiness of the people, not for the pleasure of those who are intrusted with the administration of Government; that Governments derive their authority from the people, not that the people derive their rights and liberties from the grants and concessions of kings, princes, potentates, or governors; that happiness and liberty are the ends and aim of Governments, not the shadows and incidents; that the people may resume delegated powers, and alter, reform, and abolish an instituted Government, when experience convinces that the end and aim, liberty and happiness, are not accomplished by means of the Government instituted—are the lights which the American revolution held up to the world; which they have stamped with authenticity; which they have proclaimed as axioms. These principles make the foundations of all our Governments and constitutions, State and federal. They are the pillars of light to conduct the human race to liberty and to happiness. They are the sacred fires which cheer and illumine the temple of Liberty.

I have demonstrated that the old form of Government, instituted by the articles of confederation, was adopted by States. I have demonstrated that the new form of Government was proposed to the States; adopted by the people of the States, acting as separate communities, not as one mass, but each State ratifying for herself. I will now proceed to show that the present federal constitution is founded upon the practical exercise of the principles of altering and reforming, and of resuming the powers granted, so as to accommodate Government to the great ends of human happiness and security.

By the thirteenth article of the old constitution, it was provided and declared: "The articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration, at any time hereafter, be made in any of them, unless such alteration be agreed to by a Congress of the United States, and be afterwards confirmed by the Legislatures of every State." Nevertheless, the new constitution did declare that "the ratification by the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same." As soon as the ratifications of nine States had been certified, provision was made for electing the President and Vice President, Senators and Representatives. They were elected, and the new Government was actually put into operation on the first Wednesday in March, 1789, without the concurrence or consent of either North Carolina or Rhode

Island. Why was the thirteenth fundamental article of the old confederation violated? Upon what principle could the ratification of nine States be sufficient to make a new Government, in direct contravention of the provision that no alteration should be made but by the confirmation of every State? How were North Carolina and Rhode Island pushed out of the pale of the Union, without their consent, by the ratification of nine States? How can those acts be justified? Upon the great principles, that the right is inherent and unalienable "to alter or to abolish" any form of Government, when it becomes destructive of the ends for which it was instituted; and that powers granted may be revoked and resumed for the like causes. The unalienable and indefeasible right of the people of every community to make their Government subservient and conducive to their happiness justified the substitution of the new, in place of the old compact. When any form of Government comes in conflict with the inherent and unalienable rights asserted in our declaration of independence, those rights must prevail over the Government.

A Parliament of England once undertook for themselves, the people, and for all posterity, to surrender their rights to the King. Posterity in England nullified that surrender. We, by our revolution and declaration of rights, have put down the divine right of Kings; have repudiated the doctrines of non-resistance and passive obedience; we have asserted the unalienable rights of man; we have declared that the right to mould the Government so as to consult and preserve his happiness, is inherent and unalienable; we have put to naught the claim of one generation to bind other generations in all time to come. Are Governments for the dead or for the living? Who are to observe the springs and practical operations of Government but the living? The dead feel not the wrongs and oppressions of Government; they heed them not; they see not the defects and decays.

But, sir, is it possible that the people of the United States, who so well understood the difficulty of resisting the usurpations of power, who were so jealous of their liberties, who so well understood the rights of man, could have intended, by adopting the constitution, to surrender forever the rights they had fought for and established at such cost of blood and treasure? Did they attempt to falsify the doctrines embodied in their declaration of independence? Did they intend to fall back to the doctrines of non-resistance, to usurpation and injustice, and pledge themselves and posterity to passive obedience? No, no; they did not so intend; their acts of ratification, their cautious declarations of first principles, their explanations, the amendments recommended and speedily adopted, all prove that they reserved all powers not delegated, and adhered to the rights of man proclaimed in their declaration of independence, as being inborn and unalienable; the very constitution itself, in its provisions, and the propelling power which gave it motion and action, asserted and practised the right of the people of the States to resume powers which had been theretofore delegated to the confederated Government.

And now, Mr. President, we are invited by this bill to make war upon South Carolina, a party to the old confederation, who became a party to the new constitution by an act of ratification, expressly declaring "that no section or paragraph of the said constitution warrants a construction that the States do not retain every power not expressly relinquished by them, and vested in the General Government of the Union." This war is to be waged, because of the exercise, by South Carolina, of a right which she certainly had, as a State, before she adopted this constitution; which right is not expressly relinquished by any part of the constitution; a right which is unalienable, which cannot be relinquished according to the declaration of independence, and which was re-asserted in theory and in fact, and brought into exercise by this very constitution.

The people of South Carolina, in their sovereign character, acting in convention, and in her Legislature, have declared the protective system to be enacted by usurpation of an undelegated power, unjust, and destructive of their interests and happiness. She acts upon the existence of the principles, that, in pursuit of happiness, "the powers of Government may be re-assumed by the people whensoever it shall become necessary;" that "men are endowed by their Creator with certain unalienable rights; that, among these, are life, liberty, and the pursuit of happiness;" "to secure these rights Governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it." South Carolina, as a State, and by her constituted authorities, desires a reduction of the tariff; she declares the system destructive of their interests and happiness; if the Congress attempt to enforce the tariff by military power, the people of South Carolina say they will re-assume the powers delegated by them to the Federal Government. For this critical state of things, the Senate have two propositions: the one to modify the tariff so as to give peace and happiness; the other to authorize the employment of the army, navy, and militia, against South Carolina, to make war upon her people; to extort, by force of arms, submission to a system destructive of their happiness. If we choose the former, we act in accordance with sound policy, and pursue the end and aim for which Governments are instituted; if we choose the latter, we make war upon the principles contained in our declaration of independence, upon the unalienable rights of man. Should an American Senate long debate which of the two to choose? "Has reason fled to brutish beasts?" Has avarice and selfishness supplanted patriotism and love of the Union? Has power intoxicated its possessors? Was the declaration of independence an idle rant? Have the sublime, self-evident truths announced in that declaration been changed, by political alchymy, into fiction and criminal falsehood?

To my mind, South Carolina has acted rashly, precipitantly. She was proceeding to an extreme before the prospect of redress and conciliation was closed, before the expectation of justice from the action of the Federal Government should have ended in despair. I feel the better authorized to say so, because five other States, who have made common cause with her in remonstrating against the unconstitutionality, injustice, and oppression of the system, who profess the doctrines of the resolutions of Virginia and Kentucky of 1798 and 1799, have yet hopes of a returning sense of justice and conciliation in the Federal Legislature, and especially in the body of the people of the States, whose representatives have hitherto prevented a reduction of the imposts to the just standard of revenue. To my mind, her legislative acts bear the impress of an overheated zeal, rather than that of cool collected judgment and discretion. It is due to candor that I should say thus much in disapprobation of the proceedings of South Carolina. It is due, also, to the great conservative principles of State rights and State interposition, to arrest the progress of usurpation, which I advocate. I desire, for myself, to take care that this holy text shall receive no detriment in public opinion by the conduct of an humble disciple and true believer, which might be if I should acknowledge bad works as illustrations of the true faith. But if South Carolina has been rash, precipitate, and indiscreet, can those indiscretions operate by way of an enlargement of the constitution? Can they disengage and dissolve the obligations of justice due from the federal Union to South Carolina as a member of that Union? If one individual hold an obligation of debt upon another, and the creditor demands payment of the debt in an insolent and indiscreet manner, accompanied by haughty threats, is the debtor thereby absolved from his bond? Does the importunate and indiscreet address of South Carolina for a just reduction of the tariff cancel all obligations of justice due from the Federal Government to South Carolina and the people of the other unoffending States? Shall we persist in refusing to do justice, and seek to hide our iniquity in a war upon South Carolina? Shall she be punished for her precipitancy, by a more precipitate, rash, and indiscreet war upon her? If she has mistaken her measures of redress and relief against the oppressive enactments of the General Government, shall we treat her with a rigor, precipitancy, and haste, which is unusual in our intercourse with foreign nations? Shall we proceed to extremities with a sister State if she is in error, without those preliminaries which would be due to a foreign nation? We have treated the wrongs and aggressions committed by foreign nations with forbearance; we have negotiated with patience; we have trusted to a returning sense of justice, and ultimate reparation. Having so treated foreign nations, we had a right to expect similar forbearance on their part. Against Great Britain we had causes of complaint for non-execution of the articles of the treaty of 1783; we negotiated with forbearance, and never obtained a delivery of the military posts occupied within our limits until after the treaty of 1794. Some subjects of difference, growing out of the treaty of 1783, remain unadjusted to this day. We agreed to submit a question as to a part of the boundary intended to be described and defined in that the treaty to the arbitrium of the King of the Netherlands; he made his award; Great Britain was willing to abide the award; we refused, and proffered further negotiation. In so refusing, we acted upon these principles:

1st. That in submitting the difference between us and Great Britain to the umpirage of the King of the Netherlands, we had not conferred on him the sole and exclusive power to judge of the extent of the power delegated.

2d. That, as a party, we had the right to judge for ourselves whether the award exceeded the power delegated in the submission.

3d. That, in our judgment, the award was not obligatory, because the arbitrator had exceeded the powers delegated, by making a new boundary, instead of deciding what was the boundary intended by the description in the treaty of 1783.

Under our example, South Carolina, as a party concerned in the execution of the agreement between the States to delegate certain limited powers, to form a more perfect union, and amend their Government, claims, 1st. That, by the agreement, she did not confer on the General Government the sole and exclusive power to judge the extent of the powers delegated and the powers not delegated. 2d. That, as a party, she has the right to judge for herself whether the power of protection to manufactures was delegated to the General Government, or reserved to the States. 3d. That the power of such protection was not delegated, but reserved; that the protective system exercised by Congress is a usurpation, and the act of Congress founded on such usurpation is not a law, not obligatory, but null and void. With Great Britain, we proceeded by negotiation to obtain the delivery of posts withheld from us. For injuries, by impressment of our seamen, for her attack on our frigate Chesapeake, and her aggressions on our commerce under her orders in council, we negotiated with patience; we tried embargo, and non-intercourse, and negotiation, until patience was exhausted, and all hope of redress was extinguished, before we resorted to war.

With France, with Spain, with Sweden, with Naples, we have waited with patience, and negotiated, until by mutual deference, conciliation, and compromise, our differences were adjusted. In all these negotiations and forbearances we did but our duty. Nations are bound by a moral code, by moral precepts, by the principles of natural justice. Individuals are moral beings, bound by moral ties: in entering into social and political compacts, and dividing themselves into nations and States, they do not divest themselves of moral obligations. States and nations are but aggregated individuals. The great Author of all has bound nation to nation, State to State, potentate to potentate, individual to individual, by mutual relations, mutual wants, and mutual obligations. Man is bound by his nature and Creator to be a moral and a social being. Justice and mercy are attributes of God himself. Divine justice is administered with mercy through the Savior of mankind. Nations can no more escape and absolve themselves from the moral element, from their moral duties and obligations of justice and mercy, than they can escape from the natural elements of earth and air.

All States, potentates, and sovereigns are bound by a circle of morals, including the obligations of justice and mercy, reciprocally acting and reacting. War is the exercise of violence by sovereign command, and is an evil, come when it may; but it may be the choice of a lesser evil. Every sovereign is morally bound to avoid war by all reasonable precautions. If wrong be done by a sovereign, he is bound to make reparation. This obligation draws to it the rights to be informed of the extent of the injury, to be heard in explanation, and, in mutual conference and negotiation, to adjust the nature and quantum of reparation. A potentate who begins and prosecutes an offensive war against another potentate, cannot be justified but by the concurrence of injury committed, and satisfaction refused. Accordingly, wars are denominated just or unjust, moral or immoral, civilized or savage, as these ingredients of violated right, demand of reparation and refusal, shall have been observed, or neglected, or abused. Duly regarding these sacred obligations to avoid war by all reasonable efforts, the United States have been forbearing, patient in negotiations, and always ready to accommodate. Even the mistaken insurgents of Pennsylvania were not pursued with violence by President Washington until messengers of peace had been sent in vain; even the deluded victims of Spanish gold and Spanish intrigue in Kentucky were honored by a messenger to explain and quiet their discontents.

Why shall South Carolina be treated in a style and manner so totally variant from the usage of the Government towards foreign nations? She is a nation, a State. Yes, sir, a high-minded, chivalrous, gallant State, of noble bearing in peace and in war. Her people are renowned for valor and daring enterprise in two wars; famed for generosity, for intellectual and moral cultivation. She has contributed freely and generously in deeds and money, in times of war and of peace; she has furnished her full proportion of talents, and learning, and virtue to the departments of Government, State and federal. Her errors lean to virtue's side. They spring from high intellectual cultivation; from a sense of justice; from a hatred to injustice and oppression; from that enthusiastic devotion to liberty which they have so often displayed in council, and by flood and field.

Why shall we, who have been so patient and forbearing with foreign nations, be now so impatient and eager to rush into battle with a sister State? Has confidence of our strength, and of her weakness, sharpened our courage and blunted our sense of justice?

We have been told that, whether force shall or shall not be used, depends on South Carolina; that if she repeals her ordinance and her laws, there will be no resort to force. This does not satisfy my judgment of our obligations of duty. By this bill, the destinies of the Union will be put at the hazard of exasperated feelings, of heated partisans, of personal resentments, of accidents, of imprudent wicked tale-bearers and mischief-makers. Suppose I should put a magazine of powder in my domicile, with a train, exposed to the daily occurrences of my household; a heedless servant applies a torch; my house is torn asunder and scattered in fragments; my household mangled, and the neighboring buildings wrapt in flames; would I be excused in my own conscience because I had not applied the match? Could I meet the reproaches of my neighbors by impudently telling them, "thou canst not say that I did it?"

This bill provides a dangerous magazine, with trains exposed to the matches of the imprudent, the malicious, the wicked; and we are told that there is no danger in this; it depends on South Carolina. Well, sir, is there no exasperation there? Is this bill not calculated to create higher exasperation? Must it not stimulate the one party to defiance of the authorities of South Carolina; and the majority to indignation at the attempt to place the military above the civil power? That this power conferred upon the President to call out the whole physical force—army, navy, and militia, without stint; to put down by force the Legislature of a State, is too dangerous to be conferred on any individual, I will prove by the high authority of President Jackson himself. It cannot be disguised that, by the letter and spirit of treaties, the United States did undertake to guaranty to the Cherokees their possessions of lands held, in part, within the State of Georgia, until the Indians should choose to sell to the United States. By the laws of the United States, the President was authorized to expel, by force, settlers upon the Indian lands. The treaty and law of the United States and the law of Georgia were in conflict. The President of the United States was called upon, by a resolution of the Senate, for information if the white settlers upon Indian lands within the State of Georgia had been removed, as required by the laws of the United States; and, if not, why the laws had not been executed? This resolution was answered by the President in his message of 23d February, 1831. In that, he assigns for cause of not expelling the settlers from the Indian lands, that the Indians within the State of Georgia are subject to the jurisdiction and control of Georgia; that Georgia had declared her determination to execute her own laws throughout her own limits." And he therein comes to the conclusion that the Federal Government has no right to drive off persons who have been settled upon the Indian lands within the State of Georgia, under the authority of the laws of Georgia; that the law of the United States authorizing the President to employ military force to drive off settlers, ought not to be construed to extend to the settlers in Georgia. He says: "to maintain a contrary doctrine, and to require the Executive to enforce it by the employment of military force, would be to place in his hands a power to make war upon the rights of the States and the liberties of the country; a power which should be placed in the hands of no individual.

By that message, to put down State rights and State laws by military force, under color of a treaty and a law of the United States, was "war;" "to make war upon the rights of the States and the liberties of the country" was a power "which should be placed in the hands of no individual."

I do, in the sincerity of my heart, and in the clearest conviction of my judgment, concur with the President, that, to employ military force to put down persons acting under State laws, is war; that a power to make such war is too great to be confided to the discretion of any individual. And I do believe that this bill confers upon the President a discretionary power to make war.

I may be accused of characterizing this bill too harshly. I entreat Senators to read it, and to reflect upon the state of facts. Is not that which is authorized to be done by the employment of military force, to be in opposition to the ordinance and laws of South Carolina, and to be preceded by a proclamation of the President? Is not this proclamation authorized to be issued upon contingencies, upon events not yet existing, and upon a state of things very uncertainly described? Is not the President to be the judge when that state of things has occurred? Thus, a discretion is conferred upon the President, which, to his mind, was inordinate, and inconsistent with sound legislation. But when the President shall feel himself authorized to apply the military force, he must issue orders to others, to distant officers, not under the immediate eye and control of the President, not acting under the immediate discretion and responsibility of the President, but under their own judgment and construction of their orders. Whenever this military force shall be applied in pursuance of this law against South Carolina, it will be employed in a conflict between that which is declared for law by the Congress of the United States, and that which is declared for law by the convention and Legislature of South Carolina. It will be the employment of the military to put down, forcibly, State authority and State law; a conflict between States, in a dispute about the extent of their respective powers and jurisdictions. If such a conflict, urged by military force, is not war, I cannot understand the definition of war. I am opposed to such a war. I am opposed to transferring from the Congress to the President the power to proclaim such a war. I am opposed to such legislation, and have raised my voice against it, but I fear but too feebly to command respect.

Mr. B. said it seemed to him, that, on looking at this law, and comparing it with one which had been stamped with public odium and execration, they appeared to be very similar in their provisions. He alluded to the sedition law, which had been put down by the people in the majesty of their power. This bill was too much like the one he had designated in many of its features.

He had another objection to this bill. He had a dislike to prison ships. He had heard too much of the Jersey prison ship, and he wanted no South Carolina prison ship Yet there was a section in this bill which gave authority to the marshal to confine prisoners in houses, dwellings, or other places. Other places! Why was he not authorized to use the fort, or some place which was more distinctly described, so as to be on land, and not on the water? The custom-houses are authorized to be kept on board of ships; and he supposed the intention of the bill is to authorize that prisoners shall also be kept on board of ships as prisons; and, for aught he knew, tried there; for he did not know to what jurisdiction it was proposed to transfer them, after South Carolina, her Legislature, executive, Judiciary, and citizens, shall be proclaimed rebels and traitors. He desired to enter his protest against these prison ships; and he entreated the Judiciary Committee not to stamp the bill with so odious a character.

The bill was also objectionable in his view, because it looked too much like the riot act, named by many in Great Britain the "black act." There was nothing defining the number of persons necessary to constitute a riot. It was not stated whether the persons assembled must be armed, for the bill used the phraseology, "armed, or in any other manner." He here read an extract from Blackstone, page 142, describing the riot act. If the present bill was not an act of war, he could not but regard it as a riotous—he begged pardon, he meant a riot act; operating, like the British act, to quell a riot, without defining, as that act did, what was a riot. It was left to the discretion of the President to define it, and to execute his definition by the military; to officers of the army the execution of offenders is to be intrusted. Offenders are to be shot down, not because any act of Congress has defined the crime to be eschewed, but it is hereafter to be defined by proclamation, and by the instructions to officers how to execute the proclamation, and what shall be considered an intention to resist the laws.

It appeared to him that Congress had not the constitutional power to pass this bill, and, if they had, that it would be by no means expedient to pass it, and thus to assert their power by inflicting war upon a State, and by placing a magazine where an unguarded torch from an unguarded hand might set the whole in a blaze. If Congress had the power, he would not consent to make war on a sister State for a mistake. He would first take the beam out of his own eye, that he might see to take the mote out of that of South Carolina.

Instead of passing this bill, he wished the Senate to act in that spirit of amity, and conciliation, and compromise, which gave rise to the federal constitution. The constition was made in that spirit. In that spirit it was conceived and brought forth. And that was the vital spark that animated it. It was the life-blood of the constitution itself; and if they consented to spill that, they would spill it for all political purposes, as fatally as when the stab of the dagger lets out the heart's blood of man, causing the most excruciating agony and death. He would throw aside all constitutional grounds, and go, on the score of policy, into the discussion of the tariff bill, which was the great cause of complaint in South Carolina. No policy could be sound which was not bottomed on the principles of justice. He could not conceive how that could be sound which was bottomed on injustice and oppression. On such basis the Union itself could not last.

It is recorded in history, that one of the Roman provinces revolted again and again. At last, after their general and a great number of their Senate and people had been killed or taken, the province sent ambassadors to Rome. A Senator asked them what punishment they deserved? The embassy answered, "the same which they deserve who think themselves worthy of liberty." The consul asked how long the peace might be expected to endure, if the punishment was remitted? The ambassadors answered, "If the terms you give be just, the peace will be observed by us faithfully and perpetually; if unjust, it will endure only until we return and make them known." "*Si bonam dederitis, fidam et perpetuam; si malam, haud diuturnam.*" The Senate approved the answers as worthy of freemen; and confessing that no men or nation would continue under oppression longer than compelled by force, said, "they only were fit to be Romans who thought nothing valuable without liberty;" upon which they were all made citizens of Rome, and obtained whatever the embassy desired.

This noble example is worthy to be imitated by an American Senate. Let us give ear to the complaints of South Carolina. Let us give them justice, not war. They who contend zealously for the principles of civil liberty are worthy to be citizens of the United States. They are not fit subjects to be denounced and accursed. The pressure of calamities, the power of arms, may subdue a State to submit to injustice; but she will seize the first occasion to assert her rights and secure her independence. Let us go into an examination and revision of the tariff. Let us reason with South Carolina. Let us treat her as a sister. Let us act as every generous individual would act in a consciousness of his own superior strength, and under the obligations of justice. Can superior strength change the nature of right? Can war dissolve the adamantine chains which bind us to the ever-during throne of justice and of mercy? It does not necessarily follow that every disagreement about the terms and fulfilment of a compact is to be followed by war. Shall we treat a State, one of the mothers of the Union, with less courtesy and forbearance than we show to a foreign nation? Shall we make war against our own doctrines, and belie our own declaration of principles? Let us recollect the gallant spirit of South Carolina, and her noble deeds in our war for freedom and independence. Let us recollect that the discontents against the tariff are not confined to South Carolina, but extend far and wide. South Carolina does but assert the principles of freedom as contained in the declaration of independence, as she understands them. If she has been rash and precipitate, let us recollect she has been long smarting under the rod of injustice and oppression. He whose cause is just may look to Heaven for protection; but the blood of our brethren, spilt in an unjust war against South Carolina, will rise from earth to heaven, and, like the blood of Abel spilt by Cain, cause a mark of infamy to be set upon us by Divine Justice. It is incumbent on us to act cautiously, prudently, justly, and with the forbearance of children to a natural parent. This Government is the offspring of the States. I implore the Senate not to consent that this Government shall raise a parricidal hand against one of its parents; a sacrilegious arm against the fairest fabric of human liberty which Heaven has vouchsafed to mankind; and thus stamp our history with infamy; "dishonor and betray the fairest experiment in favor of the rights of man, and expose their patrons to be insulted and silenced by the votaries of tyranny and usurpation."

Had I the powers of persuasion, I would inculcate upon the Senate the importance, and lead them to the observance, of the divine precept of the Savior of mankind, who commanded us to hope and pray for forgiveness of our trespasses, "as we forgive those who trespass against us." Let us remember that nations and individuals are all amenable to that Eternal Fountain of truth and justice from which this benign precept emanated; and, on that great and solemn day when nations and men shall be summoned to judgment, they must expect to be forgiven as they have forgiven others.

The errors of South Carolina spring not from love of vice or injustice, but from love of justice and virtuous liberty: from the pursuit of "justice," "general welfare," and security "of the blessings of liberty to ourselves and our posterity," which are the ends and aim of the constitution, as expressly declared in its preamble.

That the Ruler of the universe, in his infinite wisdom, mercy, and goodness, may incline us to cultivate that spirit of amity, mutual deference, and concession, which the peculiarity of our political situation renders indispensable to our prosperity, safety, union, and happiness, ought now, especially, to be the prayer of every true American. For myself, I do most heartily desire that the harmony and consolidation of the Union, together with the blessings of liberty, may be secured and perpetuated.

Mr. B. having closed, a motion was made by Mr. SMITH to postpone the further consideration of the bill, and to make it the special order for to-morrow; but on the suggestion of Mr. GRUNDY, that unless the progress of the bill should be expedited, there was no prospect of getting it through,

Mr. SMITH withdrew his motion.

Mr. FRELINGHUYSEN then obtained the floor. He said that this bill presented to the Senate a most interesting and momentous question. The Chief Magistrate of the United States has, by a special message, applied for legislative aid to enable him faithfully to execute the laws of the United States. He has in that message distinctly represented to Congress the state of things in the country which has rendered it impracticable, without the aid of some means beyond those which are within the reach of the Executive arm alone, to execute the laws. He has, therefore, as his duty requires him to do, applied to Congress to strengthen the Executive arm to enable him to meet the present exigency, and to put down the resistance against the United States which is meditated by one of the States of this Union. With a view to the better understanding of the situation in which the Executive finds himself, I will read (said Mr. F.) a sentence from his message, which will be found in the fourth paragraph on the seventeenth page, which follows a description in detail of the circumstances and acts adverted to.

"Under these circumstances, and the provisions of the acts of South Carolina, the execution of the laws is rendered impracticable, even through the ordinary judicial tribunals of the United States."

In order that the subject should be presented to the Senate with all the solemnity due to its importance, Mr. F. then referred to the third section of the second article of the constitution, which defines, in the following words, the duties of the President: "He shall take care that the laws be faithfully executed." That is his duty. The duty of Congress is pointed out with equal distinctness in the eighth section. They are "to provide for calling "forth the militia to execute the laws of the Union, suppress insurrections," &c. This is their duty.

This brief allusion to the sacred charter of our country, and to the message of the President, he considered as sufficient to sustain him in the view that a solemn crisis in the history of the country had arrived, when Congress has been informed by the Chief Executive officer that resistance to the laws has assumed an attitude so formidable as to prevent him from carrying them into execution, and compelled him to call on the legislative branches to execute their oaths, and fulfil the obligations imposed upon them by their station, to enable him to discharge his own conscience and to preserve the peace and integrity of the Union.

He had but a single answer to make to the whole of the charges which had been made against the friends of the bill, of an intention to go to war against South Carolina, and to urge the country to the brink of confusion and disunion. All I shall say in reply to these charges, (said Mr. F.) is, that we are legislating to enable the Chief Magistrate to execute the laws according to the obligations of his oath. We make no war against South Carolina; we provoke no collision; we do nothing further than is required to acquit ourselves of the duty we owe to ourselves, to our country, and our Maker. If the Senate will but examine this bill with care, they will find that throughout the whole of its provisions this one object is steadily kept in view—to enable the President to execute the laws. And I am yet to learn, continued Mr. F., whether an unauthorized and tumultuous assemblage of individuals, whether acting of themselves, or under the authority of a State, whose object is hostile to the constitution of the United States, and to the Chief Magistrate, and to the laws, is not to be put down, without incurring the charge of making war against a State. If war shall follow the measures thus adopted, we shall be free from the guilt of it; if the stain of war is to rest on the skirts of any portion of the Senate, ours shall remain unstained.

But it has been argued that as this state of things results from the measures adopted by a State of the Union, any legislation against it is a violation of State authority and of the reserved rights of a State. I must go a little further back than the gentlemen who have maintained that this Union is a mere federal compact, in which each separate member of the compact is to judge of the extent of obedience due to the laws of the General Government, in which each possesses a right to judge for itself; and that this compact is one without a common judge, being made between States acting in their sovereign capacity, and ratified for all these purposes, and in all these views, by the constitution. All this doctrine I do, in heart and mind, wholly or in part, now and forever, deny. I am convinced, and such would be the verdict of thirteen millions of American citizens, that such a compact as is here described never entered the minds of those who made the constitution. It was the very evils of such a compact that they desired to guard against. It was against the confusion and difficulties arising from this condition of thirteen distinct sovereignties, that they sought a refuge in the constitution which they framed. The argument which is now advanced has a tendency to break up the constitution, and to throw back the American people into a condition worse than that in which they stood under the old confederation.

He had another general remark to make. Whether the constitution be the result of a federal compact, or the result of the actual and declared will of the people, in their primary assemblies, was, in his opinion, a point perfectly immaterial; for, whether intended to be so, or not, it was ratified by the people with all the formalities necessary to make it efficient in its object to give peace and security to the American people. He contended that it could be shown, by a plain construction of the constitution, according to its own provisions, as well as contemporaneous constructions, that the assertion that there was any one provision establishing that it was the work of States in their sovereign character, could not be successfully maintained.

My friend from Kentucky, (continued Mr. F.) by referring to the old confederation, has disclosed all its defects. Under that system, every State was puffed up with the notion of its sovereignty; and that word sovereign had been so magnified and so mystified, that the Government found it impossible to get along. Each State made a stand upon its sovereignty. The General Government wanted revenue, and made its requisitions on the several States for their quota. Some of the States could not, or did not, pay their proportions; and hence arise difficulties which impede the progress of the Government. It was this State pride, this everlasting aspiring of State ambition, which prevented the success of that confederation. It is, said Mr. F., that pernicious spirit which I fear is now at the bottom of all this difficulty, as it was at the bottom of that which obstructed the Government under the old confederation. We ought to be instructed and admonished by the result of the interference of this State pride in that earlier period of our history. It was found necessary to make an effort to amend the constitution, and to strengthen the Federal Government, to enable it to resist the dangerous collisions of these State sovereignties. Delegates were chosen to form a new constitution. Did they meet in the character of sovereign States? Had they their commissions from the sovereign States authorizing them to represent the States? No; these delegates came fresh from the people; they did what they came to do in the name and by the authority of the people; and when they had completed their work and returned to the people, the very form of words to commence the great instrument which they had framed was so selected as to put down forever the delusive idea of State interference and State sovereignty: "We, the people of the United States, in order to form a more perfect Union," &c. It was never dreamed then that this constitution was hereafter to be set up as the handywork of the States as sovereignties.

These sovereignties were all thrown back on the elements of social existence. The people were then the only sovereigns. It was an expression of Chief Justice Jay: "the only sovereigns of the United States are the people; and they are sovereigns without subjects, inasmuch as they have only to govern themselves." After the constitution was framed, what was done? How was this instrument ratified? Was it sent for ratification to the States, in their sovereign capacity? No. There was too much wisdom and prudence, to trust to these sovereignties. They had already given the Government too much trouble under the old confederation. The constitution was sent back to the people for their sanction, and they sustained it. Congress received the report from the convention, and transmitted the amendments to the different Legislatures; and for what purpose? Was it for their ratification as States? No. It was for the purpose of submitting them to delegates who should be chosen from among the people. This fact would be found embodied in the resolution of Congress of October 28, and by the resolution of September 17th, which directed that the amended constitution should be submitted to the convention, for the purpose of assent and ratification by the people themselves. Had it been sent to the State Legislatures for them to ratify, it is probable that they would have adhered to the old confederation. Could it then be argued that the States, acting as States, constructed the present frame of Government?

Mr. CALHOUN said he would, by a simple explanation, save the gentleman from New Jersey some argument. The ground which he (Mr. C.) had taken, was, that the constitution was the work of the people, as separate and sovereign communities, and not as a mass—as a single community. He contended, further, that these sovereignties had reserved to themselves rights upon which they could take their stand to resist any usurpations of the General Government.

Mr. FRELINGHUYSEN resumed. Either the Senator from South Carolina had been very unfortunate in the development of the abstract propositions which he had thrown out in his resolutions, or he (Mr. F.) was too obtuse to comprehend their precise import. The Senator had said that the sovereignty resided in the States.

Mr. CALHOUN: In the people of the States.

Mr. FRELINGHUYSEN: I know it is in the people of the States. That admission is all I ask.

Mr. GRUNDY rose to ask if gentlemen ought not to be permitted to go on, and present their argument in their own way, and without interruption? He was disposed to let every man tell his story in his own way.

Mr. CALHOUN: Does the gentleman mean any other than a general reflection?

Mr. GRUNDY: None.

Mr. FRELINGHUYSEN continued. This assertion of sovereignty was the plea in bar of the gentleman from South Carolina; and if he now surrendered that ground, and the only argument presented was whether the Government was framed by the people in States, and in separate communities, or by the people as one community, there was no longer any thing left to contend about.

But my duty, continued Mr. F., is not confined to merely noticing the series of political abstractions contained in the resolutions of the gentleman from South Carolina. He had to reply mainly, as he had been replying, to the argument of the gentleman from Kentucky. [Mr. CALHOUN said he thought the gentleman from New Jersey was replying to him, or he should not have interrupted him.] I was saying, said Mr. F., that this constitution was ratified by the people, and not by the States. The Senator from Kentucky had contended that the ratification was by the States. It had been said that Massachusetts came in as a State, and ratified the constitution as a State. Here Mr. F. referred to the language of the ratification by Massachusetts and the other States. In the very terms of these ratifications it is declared, from the beginning to the end, that it was done by the people. It was all done by the authority of the people; by the delegates of the people. But we had been told that all this was done by the sovereign States; that it was the work of the State sovereignties. To show this, a reference had been made to the ratification of New Jersey; and it had been suggested that it was the work of the State of New Jersey—of the State, acting in its sovereign capacity. Now, there was nothing in the ratification of New Jersey or any of the other States, to sanction any such impression. The reason for submitting the amendments to the people in the different States was because the people had been originally divided into separate colonies; otherwise, they would have been submitted to the whole people at once. But they were sent to the people, in their separate communities, because it was the most convenient and the most rapid mode of obtaining the sense of the whole people. The amendments were sent to the State of New Jersey, but they were not submitted for ratification to the Governor, and Council, and the House of Assembly, but to the people acting in their primary assemblies. What did the convention do? They were chosen for the purposes stated, for the simple purpose of deliberating on the provisions of the constitution and ratifying it. They carried into effect the resolution of the convention of 1787, which ran thus:

"*Resolved*, That the preceding constitution be laid before the United States in Congress assembled; and that it is the opinion of this convention, that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification," &c.

In every State where it was ratified, it was done by the people, or by delegates specially elected for that purpose, acting in the name and with the authority of the people.

And what was this work, which embodied so much labor and virtue, as to attract the admiration of the whole civilized world? What does it propose to accomplish? "To form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Every noble object which had been the aim of any Government since the foundation of the world was embraced in this summary; harmony, justice, peace at home, domestic security, the happiness of our fireside, and the safety of the whole. Yet, what are all these, said Mr. F., if we are to believe the abstractions of the gentlemen on the other side, which regard this as a mere federal compact, not a Government; as such a sorry thing, that, according to the theory of the gentleman from South Carolina, there is not a being who breathes its atmosphere, and moves about its soil, that owes it any allegiance? All allegiance, according to these theories, is due to the States. It is a mere compact, the benefits of which each State may enjoy just as long as it pleases, and no longer. But it ought to be remembered by those who take this view, that this compact has conferred power on the Federal Government to make war, to raise and support armies, to provide and maintain a navy, to declare the punishment of treason, &c. Yet we are told that no mortal man owes to this Government any allegiance. Was ever so absurd a proposition advanced in seriousness? The Federal Government may hang for treason; yet we are to be told that there is not an individual enjoying its protection that owes it any allegiance! What is treason? Must we go back to law books to learn the common meaning of language? He had always been taught that treason could not exist without allegiance.

The provisions of the constitution looked to two distinct Governments: while in their primary assemblies the people framed a constitution which should give to the Congress and the Federal Executive power over the general interests of the whole, and the commercial relations and foreign intercourse, they also committed their domestic concerns to the State Governments. But the federal representation was distinct from that of the State, as may be seen by reference to the 1st clause of the second section of the 1st article of the constitution, which declares that "the House of Representatives shall be composed of members chosen every second year by the people of the several States," &c. Does this appear like a delegation of power on the part of the State sovereignties? Reference had been made to the case of last session concerning the Maine boundary question. That was a case which was easily comprehended. The arbitrator had exceeded his powers in the award which he made, and the Senate had refused to confirm it. All this was easy to be understood. But when it was contended that this great work of the people was a mere powerless compact, he must confess that it was a proposition beyond his comprehension. Here are legislative powers expressly given and defined by the constitution; here are executive powers vested in a Chief Magistrate: here is a judiciary department to be administered by judges to be appointed in a certain mode. What else is requisite to make this compact a powerful Government? Each Government moves in its own prescribed sphere, and there is a representation of the people in the State Legislatures, as well as a representation of them in Congress. The State of South Carolina makes her elections in the fall. She elects them both to Congress and to the State Legislature: one set of representatives stops at her capital, and the other continues on to this place. What difference is there in their obligations and their responsibilities? They all owe the same amount of allegiance to the people by whom they were elected. The people never intended so to act as to prevent the establishment of an efficient and an undivided Government.

Although the gentleman from Kentucky had argued that this is merely a federal compact, he had admitted that we have the power of making laws. The Senator, who had pushed this doctrine further than he had ever before heard it pushed, still grants that we have the power to make laws. Now, said Mr. F., I ask nothing more. That admission gives all power. What is meant by making laws? It is not to give advice, but to enact statutes for the protection of society and the punishment of crime. What power exercises judicial authority in the State of South Carolina? In matters concerning only the citizens of her own State, her own judiciary exercises jurisdiction. The power of the federal judiciary is expressly defined in the constitution. It extends "to all cases in law and equity, arising under this constitution, the laws of the United States, and the treaties made or which shall be made under their authority;" also "to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States," &c. "Controversies between two or more States!" Yet gentlemen say that the Government of the United States has no power over the States, while they possess all power. Sir, said Mr. F., the constitution intended to humble this proud State sovereignty, to prevent the States from encroaching upon each other, as well as to prevent any collisions between them and the United States. But we have already had an exposition, in the case of a citizen of Georgia, who instituted suit against a State, and brought it before the Supreme Court, where it was argued; and the court, in an unanswerable argument, decided that a citizen could bring suit against a sovereign State. This led to an amendment of the constitution on this point. Yet the 11th article in the amendments only limits the power of the federal judiciary as regards a suit "against one of the United States by citizens of another State, or by citizens or subjects of any foreign State." As to the other powers vested in the judiciary in controversies between two or more States, &c., they were all left undisturbed.

At this point of his remarks, Mr. F. yielded to a motion for adjournment, and the Senate adjourned.

Saturday, February 2.

The bill to provide further for the collection of the duties on imports again coming up—

Mr. FRELINGHUYSEN resumed his remarks: When the Senate adjourned yesterday, said Mr. F., I was referring to the acts of Congress organizing the judiciary of the United States, and thereby preserving, in full spirit and energy, the principle that the laws and the constitution of the United States shall be considered the supreme law of the land. This provision of the constitution, and the legislation upon it, constitute an impregnable fortress, against which speculation and sophistry will spend their force in vain. There is no tyro in the schools, there is not an honest independent yeoman who tills our soil, who cannot comprehend the whole argument on this subject. Any man, when he finds that the laws of Congress are the supreme law of the land, and finds laws carrying out this provision, knows where sovereignty is placed by the constitution a thousands times better than all the abstract propositions in the world would teach him. The people are not to be speculated out of their senses, and of this we have had a recent and very satisfactory assurance. The principles of the proclamation were greeted with almost universal approbation throughout the land; no paper, except the Declaration of Independence, had ever been received by the people with more heartfelt satisfaction; none need be, except that sacred instrument; for in those by-gone days, there were many discordant voices heard amid the general rejoicing. But now there is but one voice, from Georgia to Maine, with the exception of that which comes from a single quarter. Who can fail to bless God that the people are thus true to the principles of their fathers, and are thus ready to protect and maintain the work of their fathers? If nullification receive not its condemnation in our days, I know, said Mr. F., it will receive the execration of all posterity.

Why was it that, in our constitution, the State judiciary was required to regard the authority of the laws of Congress as supreme? Why was it that in the 25th section of the judiciary act, an appeal from the State to the federal courts is granted? The fathers of the constitution knew no other way to support the supremacy of the laws of Congress than this. They provided that all questions arising under the constitution should be referred to and decided by the judicial department of the Government. They, with that temperate wisdom which characterizes all their acts, suffer the disputed questions to go from court to court. They try the judicial conscience of every court; and if the State tribunal decides unconstitutionally, the Supreme Court of the United States has power to reverse their decision. No argument which he could urge would add to the weight which those wise provisions would have in settling this question. They prove the high regard which our fathers had for this principle of the constitution, and their extreme anxiety to preserve and perpetuate it.

As a matter of history, it would be interesting to look at the circumstances attending the passage of the judiciary bill. In what we sometimes call the popular branch of Congress, in the House of Representatives, it met with such unanimous support, that the yeas and nays were not called for when the question was taken. In the Senate, where the bill originated, fourteen voted in the affirmative, and six in the negative. Three of the negatives were from the South, and three from the North. Two of the Southern negatives were from the Senators from the State of Virginia. But he was persuaded that the opposition of Virginia to the bill did not arise from any objection to this mode of preserving the constitution and laws. Virginia opposed all the provisions of the judiciary system, as we organized it, from objections which she had to the form, not to the object of its establishment. That the Commonwealth of Virginia did not oppose the principle that the Supreme Court of the United States is the arbiter in the last resort, he would show, *from a previous piece* of history, which he took great satisfaction in bringing before the Senate. To go back to the transactions of former times, to contemplate those acts of our predecessors, which have illustrated their own and our fame, was always pleasing and profitable; and it was with great satisfaction that he could bring up, on this occasion, the voice of good old Virginia in favor of the constitution; and he hoped it would put down forever those speculations which would ruin the constitution, and defeat the hopes of the world. The opinion of Virginia, to which he should refer, was given at an interesting time. The State of Pennsylvania, one of the proudest States of the Union, (he meant no invidious distinction, she was one of the largest, wealthiest, and most powerful of the States,) the State of Pennsylvania had determined, in the Olmstead case, to resist the decision of the United States court, and to resist it unto blood. The Legislature went so far as to pass laws to call out the militia to resist the federal process. The judiciary went on in its quiet steady way. Notice was given to the marshal and to the President, that the State of Pennsylvania would resist the process, but there was no flinching in that day. The marshal was ordered to execute the law and the decree of the court. An order was given to imprison the defendants. Even gallantry was overlooked, (for ladies were the defendants;) and, in a case where the life of the constitution was at hazard, they would not even stop for them, and the issue was about to be tried by arms. Pennsylvania, at this point, was patriotic and prudent enough to retire, and give up the contest. Notice was given to the marshal to make up the debt and costs, and the amount was forthwith paid. Pennsylvania would not, at the last pinch, encounter the constitution. Many patriots appeared then, and offered to devote themselves to the cause, and to die in the last ditch. The same language was used then, as we hear from South Carolina now. But Pennsylvania had too much patriotism to push her opposition to the extremity of war. She gave up the point, and proposed an amendment to the constitution, for the establishment of a tribunal to settle all disputes between the Government and the States. She took the advice of Virginia, and recorded her response as follows:

"Preamble and resolutions on the proposition of Pennsylvania to amend the constitution of the United States:

"The committee to whom was referred the communication of the Governor of Pennsylvania, covering certain resolutions of the Legislature of that State, proposing an amendment to the constitution of the United States, by the appointment of an impartial tribunal to decide disputes between the State and federal judiciary, have had the same under their consideration, and are of opinion that a tribunal is already provided by the constitution of the United States, to wit, the Supreme Court, more eminently qualified from their habits and duties, from the mode of their selection, and from the tenure of their offices, to decide the disputes aforesaid in an enlightened and impartial manner, than any other tribunal which could be erected.

"The members of the Supreme Court are selected from those in the United States, who are most celebrated for virtue and legal learning; not at the will of a single individual, but by the concurrent wishes of the President and Senate of the United States; they will therefore have no local prejudices and partialities.

"The duties they have to perform lead them necessarily to the most enlarged and accurate acquaintance with the jurisdiction of the federal and several State courts together, and with the admirable symmetry of our Government.

"The tenure of their offices enables them to pronounce the sound and correct opinions they may have formed, without fear, favor, or partiality.

"The amendment to the constitution proposed by Pennsylvania seems to be founded upon the idea that the Federal Judiciary will, from a lust of power, enlarge their jurisdiction, to the total annihilation of the jurisdiction of the State courts; that they will exercise their will instead of the law and the constitution.

"This argument, if it proves any thing, would operate more strongly against the tribunal proposed to be created, which promises so little, than against the Supreme Court, which, for the reasons given before, had every thing connected with their appointment calculated to ensure confidence. What security have we, were the proposed amendments adopted, that this tribunal would not substitute their will and their pleasure in the place of the law? The judiciary are the weakest of the three departments of Government, and least dangerous to the political rights of the constitution. They hold neither the purse nor the sword, and even to enforce their own judgment and decrees must ultimately depend upon the Executive arm. Should the federal judiciary, however, unmindful of their weakness, unmindful of the duty which they owe to themselves and their country, become corrupt, and transcend the limits of their jurisdiction, would the proposed amendment oppose even a probable barrier in such an improbable state of things?

"The creation of a tribunal such as is proposed by Pennsylvania, so far as we are enabled to form an idea of it from a description given in the resolutions of the Legislature of that State, would, in the opinion of your committee, tend rather to invite than prevent a collision between the federal and State courts. It might also become, in process of time, a serious and dangerous embarrassment to the operations of the General Government.

"*Resolved, therefore,* That the Legislature of this State do disapprove of the amendment to the constitution of the United States proposed by the Legislature of Pennsylvania.

"*Resolved, also,* That his excellency the Governor be, and he is hereby, requested to transmit forthwith a copy of the foregoing preamble and resolutions to each of the Senators and Representatives of this State in Congress, and to the Executive of the several States in the Union, with a request that the same may be laid before the Legislature thereof.

"January 23, 1810.—Agreed to, unanimously, by the House of Delegates.

"January 26, 1810.—Agreed to by the Senate, unanimously."

This doctrine is as sound as pure gold seven times tried. Here is the very issue which South Carolina seeks to try. Pennsylvania called out her militia to uphold her sovereignty, and in a well-advised hour retracted her appeal to force, and proposed an amendment to the constitution, for the purpose of effecting her object. But good old Virginia respected the wisdom of our fathers, and declared that the constitution which they had provided could not be bettered by amendments. She refused to sanction an amendment which would dispense with the judiciary of the United States. Now, Mr. President, in this view of the subject, what a most admirable system of Government is ours. It is not to be wondered at that tyrants and the friends of power all over the world look at it with envy and jealousy. We cannot but perceive that, by the General and State Governments, each acting in their respective spheres, the principles of liberty must ever be preserved. New York cannot infringe upon the rights of Pennsylvania, nor Pennsylvania upon the rights of Virginia. The States cannot come into conflict with each other, nor can the General Government interfere with the rights and jurisdiction of the several States. But as we have great interests in common, the wisdom of our predecessors provided a sovereignty, above that of the several States, to attend to the common interests. This constitution was watched over with sleepless vigilance, as he hoped it always would be, and effectually guarded against all encroachments. What can the General Government do to prostrate the liberties of the States, when twenty-four of those States support it and continue its existence and power? Since he had had the honor of a seat here, he had often been sorry to hear the General Government gravely spoken of as an alien excrescence. Our own work, the dearly cherished constitution, bequeathed to us by our fathers, had been scouted at as an odious foreign importation; and the Supreme Court, which keeps in check the different powers of the State and Federal Governments, had been spoken of as a thing down below which the sovereign States ought not to submit to. He rejoiced that this subject was now fully before the people. He believed that the crisis had been brought to them, in the benignity of Providence, that they might rally around the constitution, and that tribunal which preserves all the principles of the constitution in purity. How, Mr. President, could we take a single step in the improvement of our condition, without this General Government? Have we not intrusted to it all the concerns of commerce, the collection of the revenue, the vast concerns of the public lands, our Indian relations, &c.? How can we take a single step to preserve our great common interests, if the State sovereignties can annul our acts at pleasure? Suppose a case of war waged by us, in defence of our national rights, against a foreign nation. If three or four ill-advised States can throw themselves on their sovereignty, refuse to take part in the war, and nullify the acts declaring it, our country, instead of being a name and a praise among nations, would become a name of reproach, and subject to the contempt of the whole civilized world. He would much rather go back to the old confederation, in which each State was bound, in honor, to pay its quota towards the public exigencies. Nothing can give us security for a single hour against State nullification.

He had said, with submission, that the Supreme Court was intended by the constitution to be the great arbiter in regard to questions within and without the powers conferred upon it. In answer to this, it was said, suppose the Supreme Court transcends its powers? He would reply, in the language of Virginia, that we had adopted the best system which we could devise. If it failed in practice, the failure would be owing to the imperfection of all human institutions. No prudent man will push such a supposition to its extremity, and upon the faith of it give up our constitution. Should it fail of its object, we shall have but to mourn over the frailty and insecurity of this as well as of all terrestrial things. What experience has justified the supposition that the authority given to the Supreme Court will be abused? For fifty years we have prospered with it; and the venerable and illustrious man who has given to it high renown in the world, still lives to give it his beneficent energies. The judiciary holds neither the purse nor the sword, and depends wholly upon its moral power, and the aid of other departments of the Government, for the enforcement of its decrees. It is the great peace arbiter. Let us then cherish and support it. Let us select the best men to fill its seats, and we shall have no cause to distrust it. But what is done with the State courts? He put it to South Carolina to answer. She has a constitution and a judiciary. When her Legislature enacts an unconstitutional law, what is done by her citizens? Do some of them call a town meeting and nullify it? No; they put in the plea before the State court, that the law is unconstitutional, and the court decides the question. This had been done in his State a dozen times. The supposition of the Senator from Kentucky was the merest imagination that ever afflicted the human intellect. That Senator's imagination carried him to the extremity of fear. What fear? That Congress would break the constitution, by putting in operation a wicked law. The bill of abominations would come to the Senate, and they would join the other House in the conspiracy against the rights of the people and the States. Then it would go to the Supreme Court. And who were they? They were made, he says, by the Senate, and were impeachable only by the House of Representatives; and therefore they were all of a piece, and might conspire together to defeat the purposes of the constitution and the rights of the States. This general conspiracy draws into its vortex all the reserved rights of the people. Thus far his fears alarmed him. Was it wise, in a grave nation—he spoke in the abstract—to indulge in such violent suppositions? Such imaginations would drive a man to shut himself in a cave, seclude himself from all association with his kind, lest the first man whom he may happen to meet should contrive a plot against his life. Because the judiciary may turn traitors to the Government and the constitution, and the legislative department may support them in their treason, shall we have no Government? Shall we therefore unloose all the bonds of Government, and return to a state of anarchy? Because fathers may turn tyrants, and mothers prove monsters, shall we abolish those dear relations and extinguish those sacred charities which they enkindle and cherish? Shall we draw rules of civil and social conduct from such violent suppositions? After all, we must confide, to a greater or less extent, in our fellow man; more or less we must trust to others every moment of our lives. Shall we then sit down in inglorious ease, merely because our confidence may be abused? Rather should we use the best means which our Maker has given us to plant such safeguards as we can around our constitution; and if we are not traitors to ourselves, if we dig not our own graves, we shall be free and prosperous.

But it is said, that the judiciary is not competent, from its organization, to settle political controversies. What is meant by political powers? Every power is political to some extent. Did Chief Justice Marshall mean to say, in the speech cited by the Senator from Kentucky, that the judiciary could not decide a question arising out of the tariff laws? Never. His head was too sound for that. Besides, a political speech is not the best authority which can be adduced for judicial opinions. He marvelled not a little when the Senator from Kentucky introduced it as authority. When he came to look at it, he found that it was a speech made in Congress, in high party times, upon a case which involved great political and party excitement at that day—the case of a British subject who was seized as a deserter, given up, and put to death. But he rejoiced to find that the illustrious individual who made the speech referred to was perfectly at home in discussing the subject, and that the views which he took of it displayed the soundness of his head and the purity of his heart. "To come within the description, (of the powers conferred upon the judiciary,) a question must," he says, "assume a legal form, for forensic litigation and judicial decision. There must be parties to come into court, who can be reached by its process and bound by its power; whose rights admit of ultimate decision by a tribunal to which they are bound to submit." The case must have a legal form, and parties, and must be submitted to the court; there are all the forms which are necessary to place it within the powers of the judiciary. When something is to be adjudicated, something to be given and taken away, then the judicial power may be exercised, though the case result from a treaty. In the dispute concerning the northwestern boundary, referred to by the Senator from Kentucky, there were no parties but the two States. But the case made by South Carolina has all the attributes which the doctrine laid down in the speech referred to requires.

The tariff law is individual in its effects, and makes parties by which the case can be submitted to the court. A merchant belonging to New York sojourns in Charleston for commercial purposes. He imports goods from Great Britain. He is required to pay the duties on them.

This makes a plain case of law, involving a personal claim. The merchant tells the collector that he cannot pay these duties. Why? Here is the law of the United States, says the collector, and I am bound to enforce it. That law has been nullified, replies the merchant; and here is the ordinance of nullification, passed by some citizens of this State who assembled the other day for that purpose. What will be the rejoinder of the officer? He will say, Sir, I act under the authority of the United States, and you must pay the duty. The merchant insists, and pleads in bar of the law the laws of South Carolina. Is there any political question here to which the jurisdiction of the Supreme Court does not extend? Where is the usurpation in this case? On the part of the United States law, or this ordinance?

I have done, continued Mr. F., with this part of the case. For the purpose of keeping all power in check, the judiciary was established. The framers of the constitution hoped to obtain, through it, a peaceful mode for the adjustment of all constitutional questions. In a country of wider extent than all Europe, and embracing under one Government many distinct communities, they hoped to secure perpetual peace and tranquillity by this arbiter of peace. Compare the operation of this peaceful check with the resort to which Europe is accustomed for the preservation of the balance of power. Must we have the sword or the court as our arbiter? Europe has tried the sword, and has shed rivers of blood in the vain pursuit of the balance of power.

We rely upon the peaceful energies of our institutions. Europe on the thunder of her cannon and the clangor of her arms. Poor Holland is about to pay dearly for this balance of power. For two hundred years it has deluged Europe with blood. Here we have it in a peaceful tribunal, by which the tranquillity of the country and the safety of our institutions may be preserved for years to come. Just and certain retribution will come upon those who destroy this peaceful arbiter, and set up the sword in its stead. Here is the system, sir, as I understand it, as I honor it, and as I, with my latest breath, will maintain it. I regard this system as by far the greatest political blessing ever given by Providence to any people. To it I trace all our happiness and prosperity. In this day of our highest prosperity, when our fountains are all full, and our streams running over, do not let a sister State rashly overturn the institutions which are the sources of our happiness. How painful is the crisis which seeks disunion, and which would split us up into disgraced and bleeding fragments. This nullification, if it prevail, will yet meet a tremendous retribution, in the execrations of all future times.

Is not this, continued Mr. F., a plain question, whether the constitution confers the powers claimed upon the Federal Government? He cared not how it was framed; whether the States made it, or the people, in their primary assemblies. How does the bond read? If that gives the power, it is enough; for the instrument was made by competent authority. I cling to the bond with a Shylock's grasp. I care not how it was executed: here is the seal affixed to it. I will exact the last tribute of power which this instrument confers upon the General Government.

It is, after all, continued Mr. F., a delegated power. I maintain that the people intended to act in the business. There was no sovereignty about it, although learned gentlemen were pleased to call this a political convention among sovereignties. I maintain, that as we gave up the old confederation, the people reverted to their primitive powers. They knew what they were about, when, acting on their sovereignty, they clothed this Government with power. There was one class of their interests which it was necessary to cherish and defend at home, and this was committed to the care of their State Executive and Legislature. There was another class, which was commingled with the greater interests of the whole community; these they intrusted to the General Government, which was fully invested by the convention with executive, judicial, and legislative powers. Both were clothed with sufficient power to protect and preserve the general interests. Where was the want of harmony? The Legislature of South Carolina moved in her sphere; the Federal Government moved in its sphere. If either attempt to traverse in the track of the other, the federal judiciary is to check and bring back the one that encroaches. The system is as orderly and as melodious as our planetary system, of which the sun is the centre. It is only when States, in their excessive jealousy, run a tilt against the laws, that disorder can ensue. It is only when States, urged on by an aspiring ambition to thrust their heads against the Federal Government, that the door is opened for collisions. New Jersey was sovereign and independent as to the regulation of her own concerns; but let her beware how she thrusts her head between the Federal Government and its obligations. It would be well for gentlemen to return to their homes, and take care how the State sovereignties again throw themselves across the path of the federal powers.

Reference had been made by the gentleman from Kentucky to the opinions of Judge Marshall as a politician. He wished that gentleman to listen now to the language of the same distinguished individual, sitting as a judge. In either character he was entitled to be listened to with great respect. But he wished now to call the attention of the gentleman from Kentucky to his opinions, delivered under more solemn circumstances, in his judicial administration, acting under an obligation to prevent the encroachments of these sovereignties upon each other. In a case brought before the Supreme Court, M'Culloch *vs.* the State of Maryland, it was insisted in argument that this was a mere federal compact between the States as independent sovereigns. Such was the argument: in effect, that this was not a Government, but was to be regarded as only a compact, with certain restricted powers. The argument then was precisely the same as it is now. There was a similar argument also as early as 1792, in 2d Dallas, when there arose a controversy about the powers of the General and State Governments. It was then held that this was a compact between the States, and that the people had nothing to do with it. The opinion given by Judge Marshall in the case M'Culloch *vs.* the State of Maryland, was so powerful in argument, and disposed of in so able a manner, that he must be permitted to read the following extract:

"In discussing this question, the counsel for the State of Maryland have decreed it of some importance in the construction of the constitution, to consider that instrument not as emanating from the people, but as the act of sovereign and independent States. The powers of the General Government, it has been said, are delegated by the States, who alone are truly sovereign, and must be exercised in subordination to the States, who alone possess supreme dominion.

"It would be difficult to sustain this proposition. The convention which framed the constitution was, indeed, elected by the State Legislatures. But the instrument, when it came from their hands, was a mere proposal, without obligation or pretension to it. It was reported to the existing Congress of the United States, with a request that it might 'be submitted to a convention of delegates, chosen in each State by the people thereof, under the recommendation of its Legislature, for their ratification.' This mode of proceeding was adopted, and by the convention, by Congress, and by the State Legislatures, the instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectively, and wisely, on such a subject, by assembling in convention. It is true, they assembled in their several States; and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass. Of consequence, when they act, they act in their States. But the measures they adopt do not, on that account, cease to be the measures of the people themselves, or become the measures of the State Governments.

"From these conventions the constitution derives its whole authority. The Government proceeds directly from the people; is 'ordained and established,' in the name of the people; and is declared to be ordained 'in order to form a more perfect union, establish justice, ensure domestic tranquillity, and secure the blessings of liberty to themselves and their posterity.' The assent of the States, in their sovereign capacity, is implied in calling a convention, and thus submitting that instrument to the people. But the people were at perfect liberty to accept or reject it; and their act was final. It required not the affirmance, and could not be negatived by the State Governments. The constitution, when thus adopted, was of complete obligation, and bound the State sovereignties.

"It has been said, that the people had already surrendered all their powers to the State sovereignties, and had nothing more to give. But surely the question whether they may resume and modify the powers granted to the Government does not remain to be settled in this country. Much more might the legitimacy of the General Government be doubted, had it been created by the States. The powers delegated to the State sovereignties were to be exercised by themselves, not by a distinct and independent sovereignty created by themselves. To the formation of a league, such as was the confederation, the State sovereignties were certainly competent. But, when 'in order to form a more perfect union,' it was deemed necessary to change this alliance into an effective Government, possessing great and sovereign powers, and acting directly on the people, the necessity of referring it to the people, and of deriving its powers directly from them, was felt and acknowledged by all.

"The Government of the Union, then, (whatever may be the influence of this fact on this case,) is emphatically and truly a Government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit.

"This Government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it, would seem too apparent to have required to be enforced by all those arguments which its enlightened friends, while it was depending before the people, found it necessary to urge. That principle is now universally admitted. But the question respecting the extent of the powers actually granted is perpetually arising, and will probably continue to arise as long as our system shall exist.

"In discussing these questions, the conflicting powers of the General and State Governments must be brought into view; and the supremacy of their respective laws, when they are in opposition, must be settled.

"If any one proposition could command the universal assent of mankind, we might expect it would be this: that the Government of the Union, though limited in its powers, is supreme within its sphere of action. This would seem to result necessarily from its nature. It is the Government of all; its powers are delegated by all; it represents all, and acts for all. Though any one State may be willing to control its operations, no State is willing to allow others to control them. The nation, on those subjects on which it can act, must necessarily bind its component parts. But this question is not left to mere reason; the people have, in express terms, decided it, by saying, 'this constitution, and the laws of the United States which shall be made in pursuance thereof,' 'shall be the supreme law of the land;' and by requiring that the members of the State Legislatures, and the officers of the executive and judicial departments of the States, shall take the oath of fidelity to it.

"The Government of the United States, then, though limited in its powers, is supreme; and its laws, when made in pursuance of the constitution, form the supreme law of the land, 'any thing in the constitution or laws of any State to the contrary notwithstanding.'"

"It is the Government of all; its powers are delegated by all; it represents all, and acts for all." If these premises are correct, the conclusion cannot be resisted without a violation of common sense. How is the General Government to take care of the interests of all? How is the Government to take care of the interests of thirteen millions of people, unless its administration can be felt over that extent of population? It was not to be wondered at, if the Chief Justice said that the proposition commanded universal assent; that, within its enumerated powers, the Federal Government was supreme. One can hardly turn to a page of the constitution without seeing that this has always been regarded as one nation. As a matter of fact, he thought it was deeply to be deplored that, in the face of the world, it should be declared on this floor that we are no Government. He had always supposed that the name of American citizen was a passport over the world, and that a man needed no better passport to ensure him respect. Yet he had now to learn that this was all a mistake, and this Government was merely an *ignis fatuus*, existing only by the light which it borrowed from the State Governments.

The constitution declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." A citizen of New Jersey is thus a citizen of all the United States; and wherever he may sojourn or abide throughout the whole confederacy, he has the privilege of the citizen of the State and of the United States. How can the interests of the States and of the United States be more commingled than by this clause in the constitution?

Congress has passed laws of naturalization. The foreigner who comes hither is naturalized under these laws, and is admitted to the privileges of a citizen of one State and of all the United States. Yet this is to be regarded as no Government; is to be held as liable to be put down whenever the States shall choose to recall their delegated powers. If Congress were to attempt to vote up such an abstraction, the people would vote it down just as fast as it was sent out to them.

Having arranged these premises, he would come now to consider the bill itself. This bill had been severely attacked, by calling it hard names. The gentlemen on the other side, not contented with calling it a bill worse than an abomination, a bill to repeal the constitution, to erect a military despotism, to create a dictator, had yesterday called it a Boston port bill, a riot act, a prison-ship bill, &c. Every appellation which could be devised to make the bill odious had been heaped upon it. He would adopt no such mode of warfare. He would use no such weapons; and if they were offered to him, he would request that the persons who might offer them would take them away from him. The people of the United States have become so enlightened now that they will require arguments of sounder stuff than hard words to work convictions in their minds. They have too far advanced, and if gentlemen do not quicken their speed, the constituents will soon go ahead of their representatives in the science of politics, and leave them far behind in the wilderness. Such an array of names would not carry a question even in a town meeting. It would not excite an emotion even in an assemblage of five hundred citizens out of the thirteen millions which compose our population. So much for the nomenclature. It had been said that, to pass this bill would be conferring extraordinary powers on the Executive. The gentleman from Pennsylvania had informed the Senate, the other day, that with the exception of a single clause in the first section, it was perfectly familiar to our legislation.

The Senate would remember the intercourse bill of 1802, regulating our trade with the Indians. That bill contained a clause to this effect: "and it shall moreover be lawful for the President of the United States to take such measures, and employ such military force, as he may deem necessary to remove from the lands of the Indian tribes any persons who have made, or may make, settlement thereon." "Employ such military force," &c. Here Congress delegated the power to employ the force, and left it to the discretion of the Chief Magistrate to fix the amount of force necessary, and to employ that force in such manner as he should deem best to drive off the settlers from their lands, whether they were situated in South Carolina or in Tennessee, or in any other State. Here was a plain duty to be performed. A treaty had been made with the Indians, and to fulfil this treaty the law was passed. This law stands unrepealed in the statute book, and has been frequently enforced without causing any excitement. Whenever it was necessary to employ force, the President had left it to the officer to determine what force was necessary to give sufficient strength to the Executive arm to effect the object. This was not an unadvised discretion. In these emergencies, it was impossible for Congress to know the strength of the intruding families, and, consequently, to apportion the adequate force. General Washington, on one occasion, sent a message to Congress, stating that five hundred families had intruded, and asking Congress if he should use military power to expel them? They unanimously answered, yes; and referred the message back to him. The Executive must use power. The Congress of that day was not distracted by fears on the subject, and why should we? Why should we, when our laws are counteracted, and when we are told that our efforts to collect the revenue in South Carolina shall be resisted, and put down by the interposition of her civil and military power? What was to be done, when our authority was thus defied? were we to sit still and do nothing? Surely, even the gentlemen on the other side would not advise this course. The President has told us that it is impracticable to execute the laws without further aid from Congress.

The measures proposed by the bill are revenue measures. Looking at them in this view, he referred the Senate to the act to provide for the better security of the duties imposed on foreign goods, by which the President was authorized to cause to be built and equipped twelve revenue cutters, &c. Here twelve revenue cutters were authorized to be armed and equipped, and, at the discretion of the President, to be used for collecting the revenue. But there was another provision in this bill, which was of great importance. In case any vessel should not bring to, on being summoned, after hoisting the pennant, and firing a gun, it was made lawful for the cutter to fire into such vessel. Here, then, was a tremendous power given to the President; to arm and equip twelve cutters, and to authorize the officer commanding a cutter, if a merchant vessel refused to come to when hailed with all the accustomed formalities, to discharge his whole artillery into the bosom of the vessel. What was this? It was making war on our citizens quite as efficiently as can be done under any of the clauses in this bill. Merchant vessels are not armed, therefore the number of cutters was limited. In the bill concerning the Indian lands there could be no limitation of power, because it was impossible to estimate the force against which it would have to be employed. There were also other laws to which he might refer the Senate; the law of 1790; of 1795, authorizing the President to call out the militia to execute the laws, to suppress insurrections, &c.; of 1807, simliar in its character, authorizing the calling out of the militia, and such part of the naval and military force as might be necessary, in case of insurrections or obstructions of the laws.

He would ask, then, if those were not groundless fears which would restrain gentlemen from again confiding such powers to the President, who is made by the constitution commander-in-chief, and is required by another clause to see that the laws are faithfully executed. Who was to be trusted, if he could not? Who was to be trusted, if not the President? Who would execute the power under his responsibility to Congress? Gentlemen could not terrify him with the cry of despotism. Why, if it were now to be put to decide whether he would have a despotism controlled by law, or a despotism without law, or in defiance of law, he should prefer the first. He would prefer the despotism of law to the despotism of nullification. He would discard the despotism of a fraction, of a small portion of this federal community, and would run in the broad path marked out by the constitution, where, if he met danger, he should be supported by his conscience, and by the virtue of the country. It was a singular argument to say, take care you do not create a despotism, and, at the same time, as the gentleman from Kentucky had said, take care how you make war on South Carolina. Who makes war on South Carolina? Who meditates war? If there is to be a war, she will make it herself. It will be her own hand which will lay the axe to the root of her prosperity. What have we done? We have passed a law operating on her, as well as on all the other States. What else have we done? The coat he wore was one on which he paid a duty to the treasury. And she would make war rather than submit to pay this tax common with the rest of the Union. He submitted that all the features of the bill were defensive in their character, and not warlike in any one of their attitudes. Instead of making war by brute force, the bill was only intended to come in to the aid of law, to enforce the laws, and to make them respected; to make the State of South Carolina obey the law. He would proceed to prove this.

The first section of the act provides for the removal of the custom-house. He hoped that gentlemen would be just to the motives of the Executive. There had been many fulminations against the President for this clause. In his message he recommends the removal of the custom-house with a view to prevent collisions. What says the message?

"There would certainly be fewer difficulties, and less opportunity of a direct collision between the officers of the United States and of the States, and the collection of the revenue would be more effectually secured, (if, indeed, it can be done in any other way,) by placing the custom-house beyond the immediate power of the county."

The motives of the President, therefore, were pacific. It was to prevent collisions that he advised the removal of the custom-house. If, in an unhappy hour, South Carolina should push her State sovereignty to the dreadful emergency of opposing resistance to the officers of the United States, the President suggests, in order to avoid this contingency, the removal of the custom-house. Was this the conduct of a tyrant? Was this a course indicating a disposition to hurry the country to the verge of a precipice? Nothing like it. If this was a question with a foreign Government, policy would forbid this concession, and would require that we should keep the custom-house where it is, and stand by it there. With a foreign

Government he would contest it to the very last punctilio. He would consider it important to take a determined position until the last tribute should be exacted. But with our sister State of South Carolina, he would forbear. If, said Mr. F., she urge me from the custom-house on land, I would retire to a vessel; and if there were some bleak and desolate rock, I would be willing to retire thither. I would not suffer myself to forget, misguided as she has been, that she is a loved and honored sister. I would not forget that her soil contains the sepulchre of many of that gallant band who fought and bled to establish this Union. I would retire backwards even to the walls, and permit her to pursue me with her menaces, until that awful moment when longer forbearance would be treason; until the last fearful issue should be, strike, or surrender the honor, the dignity, and security of the Union. There had been some who suggested that a stand ought to be made at the custom-house where it is; but the committee had been anxious to respond to the recommendation of the Executive, and thus to prevent collision, and the shedding of fraternal blood.

It had been said that a dangerous discretion was given to the President in the last part of the first section, which authorizes the President to employ force to prevent any obstruction, &c. He would put it to the gentlemen who entertained this view whether it was well founded. The collector goes to the custom-house on the arrival of a vessel or cargo, and makes a demand of the duties. The captain refuses, and throws himself behind the shield of the State of South Carolina. The collector then makes his seizure. When does the President act? Not until an effort is made to rescue the vessel, and the violators of the laws are about to carry off the goods, triumphing in their success. The constitution lays it down that the President is to take care that the laws are faithfully executed. He is now required to perform this duty, and if he cannot do this by any other means, he is authorized to use the military arm. Similar powers have been formerly conferred on the Executive three different times, as will appear by the statute book. It had been said, this was making war on South Carolina. If South Carolina can justify such opposition to the laws, and if she, or any other of the States, should prefer the protection of her ordinance to the alternative of obedience and union, she must lie down on the bed of her own making. But we are not to give up our laws. While the other States are paying high duties, can South Carolina, continuing a member of the Union, be permitted to import her goods duty free, which her enterprising citizens would pour into all the neighboring States? Could it be expected that she would thus be permitted to set the laws at defiance? The bill is not making war on South Carolina. It is only to remove obstructions out of the way of collecting the revenue. It is a case in which the execution of the laws is put beyond the reach of the Executive; and Congress has often given this power before.

The next clause gives jurisdiction to the circuit court of the United States for the purposes specified. It was altogether defensive in its character. Mr. F. made various references to the ordinance and the replevin act of South Carolina, to show the necessity for this section.

The third section of the bill was defensive. It transfers jurisdiction from the State courts to those of the United States, and was intended by a judicial course to counteract the policy of South Carolina. He could not help here remarking, that the judicial policy adopted by South Carolina was the most extraordinary he ever had seen. It had no parallel. It had become indispensable to protect the United States' officers. What does South Carolina do? She professes her willingness to meet this question on great judicial principles. We are willing to meet her on that ground, and let her have a fair chance. We have our judiciary, and we are willing to meet her there and try the issue. Why does she not come here? She says we have given to our bill a wrong title. Why not bring her controversy with us to the proper tribunal? We are here ready to meet her. It is urged that the constitution should be amended. The constitution provides that this may be done, but not without the concurrence of three-fourths of the States. Why, then, should South Carolina, of herself, usurp the right of violating the laws, and breaking down the constitution? He would like to see this question answered. Why had such a convention been called? The Senate had been told that there had been a majority of Congress opposed to it, and therefore the State of South Carolina had no chance of satisfaction by this constitutional mode. That State also passes by the judicial tribunal which is authorized by the constitution to decide in matters of controversy. She dares not come to the Supreme Court. It is probable that she believes in her conscience that that court would decide against her. I believe it would. Thus, when she is guilty of these infractions, she cannot amend the constitution to her wishes, because there is a majority every where against her. The Congress is against her; all the States are against her; and if there is any reliance on the statements in the newspapers, all the country is against her. Now we are ready to meet South Carolina in the Supreme Court, and to plead with her; and if the Supreme Court shall decide that it is unconstitutional, we will give up the tariff. Not a State interested in that policy, not a State in all the north and east will offer to nullify the decision of the court. But South Carolina will not come and meet us there; yet she says she will refer the controversy to the judicial tribunals. She will not come here to our court, but she has invited us to come into her courts. Mark the jealousy which her conduct exhibits. She is afraid of the Supreme Court. She is afraid of the federal tribunals. She is even afraid of herself. She will not trust her own tribunals. The Supreme Court is to be dragged before one of her county courts, where she has taken care to have every judge and juror sworn to decide against us. Would you, sir, agree to carry a cause into any court under such circumstances? We are gravely asked to go into a court for trial where all are sworn against us! In all fairness, this was the last mode of settling a controversy I have ever heard of. It shows the deep, thorough, and heartfelt conviction which South Carolina feels of the injustice and the unsustainable character of her own cause.

How has New Jersey acted in similar circumstances? She is one of the sovereignties: a little sovereignty, I admit, among all these great sovereignties, and not to be named with the others. She had a controversy. Her Legislature took a course not warranted by the constitution. It was brought here to the Supreme Court, and that court put down the legislation of the State, and all the people submitted at once, as they ought, to the decision. Maryland, too, has had her controversy, and has submitted. Pennsylvania resisted the Federal Government, almost to the point of the bayonet; yet, to her immortal honor, she also submitted, rejected the misguiding councils by which she had been led into error, and returned to her duty. Old Virginia, too, the Ancient Dominion, whose independence is sung from east to west, she opposed herself to the General Government, and she also submitted. Now, South Carolina has set up her ordinances and laws against those of the United States, and puts herself in an attitude of defiance; and, assuming the post of a creator, points down below to the creature called the Supreme Court, refuses to permit that court to interfere, insists on the Supreme Court going to her courts, and will not even permit us to go to her tribunals until she has sworn all the judges and jurors to decide one way. Gentlemen, after all this, talk of despotism. Why, there is a despotism never before heard of at this moment now operating in the State of South Carolina, where that noble, independ ent, brave, and honorable body of men, the Union party, are subjected to the most cruel proscription.

Every man who did not yesterday take the test oath lost any situation of trust which he filled, and was rendered incapable of enjoying any State office, according to the provisions of the ordinance. What a despotism is this! I would rather, said Mr. F., give the President 50,000 men at his disposal, to put down this spirit of hostility to the laws, than suffer such a despotism to continue. What! after inflaming the public mind throughout the State by publications and speeches at patriotic meetings, shall these opposers of the laws be permitted to drive, by the force of their test oath, the most honorable of their fellow-citizens into absolute occlusion from all the immunities of their condition, unless they will come in and give their adhesion to blind measures which their consciences refuse to approve? Shall they be permitted to say to this conscientious and orderly band, "You must take that oath or lose your commission?" But that is not all. If the judges decided against the United States, and the marshal should (and what marshal would not?) go into the courts of the United States to make complaint that he has had his goods seized, he is then liable to fine and imprisonment. Here, then, it appears, that South Carolina passes by all the known tribunals of the country; swears her own judges to decide according to her own views; and if the officer of the United States dares to go to the United States courts with his complaints, fines and imprisons him. And this is called a peaceful remedy. It is a remedy which sets at defiance all the principles and elements of peace. And if we dare to interrupt South Carolina in this course, we are told that we are making war against South Carolina. If we were to carry this controversy into any court which has not been thus sworn against us, we should have a fair prospect of a decision in our favor. I should like, continued Mr. F., to see any judge, who would come to the consideration of this case with an unbiassed mind, give a judgment upon it. Yet under the ordinance and laws of South Carolina, the marshal cannot carry his complaint into an impartial court, but on pain of fine and imprisonment.

The next section refers to the furnishing a record of any case, where a record cannot be obtained from the State court. A copy of the record may be obtained on the affidavit of the refusal. Mr. F. read the following paragraph:

"And it is further ordained, that in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and if any such appeal shall be attempted to be taken, the courts of this State shall proceed to execute and enforce their judgments according to the laws and usages of the State, without reference to such attempted appeal; and the person or persons attempting to take such appeal may be dealt with as for contempt of the court."

The Senate would then perceive that this provision is necessary to meet the obstructions therein in the way of judicial proceedings. All the principles contained in the above paragraph have been embodied into the legislative acts of the State, with some trivial exception.

The fifth section of the bill authorizes the employment of the military and naval force. Mr. F. read the section, and continued: If the crisis provided for in this section should arrive, the President is not even then, in the first place, to resort to force, but merely to issue his proclamation, and thus to reason with the misguided citizens. Should all this fail, and the crisis be hurried on, when there is no other alternative than that the dignity and union of the States is to be upheld or surrendered, then he is authorized to call out and employ the force placed by that section at his disposal. What are the powers of a sheriff of South Carolina, if he should be called upon to resist the execution of the laws? He may call out the *posse comitatus;* he may invoke the whole power of the county. What is the whole power of the county? Every man in it capable of bearing arms. If Gen. Hamilton and his 10,000 men were at hand, the sheriff would call on him, as the Executive of the State, to execute the laws of the State; in the same manner as the President of the United States is now required to execute the laws of the Union, with the aid of the force of the United States.

Here, continued Mr. F., our recollections have been refreshed by a reference to the Jersey prison-ship, and all its horrors. He referred the Senate to the replevin act to show the situation in which the officer of the United States is placed, whenever he shall attempt to repossess any goods; being subjected to fine and imprisonment, even although he shall go into the State with the broad seal of the Supreme Court. He is thus treated as a malefactor in the State for going there to do his duty, and to obey the laws, by enforcing the process of the court. This is nullification; but that is not all. In order to banish every shred of federal authority from the State, it is decreed that if any offender against the laws of the United States shall be taken, no citizen shall be at liberty to offer a place for his confinement. Yet the gentleman from Kentucky says, the feature in our bill which meets this contingency is an odious one, because it leads back his recollections to the old Jersey prison-ship. Why, Congress, so long ago as 1791, in a resolution, conveyed a power precisely similar to this. In many of the States there were not, at that time, any jails for the reception of the debtors of the United States; and that resolution authorized the marshal to hire temporary dwellings for the purpose of jails. The provision was precisely similar to that contained in this bill.

He had thus gone over all the material provisions of the bill, and he would most earnestly submit to the Senate whether there could be any well-grounded fears on the subject of the passage of this bill. It was not intended, as he said in the opening of his remarks, as long as the judicial legislation of South Carolina could be met by legislation and the judiciary of the United States, to resort to force. When the State should assail the custom-house on land, we would retire with it to the water. But when unlawful and dangerous combinations put the peace of the country in danger, the Executive is clothed with the authority to put them down.

I have been asked, continued Mr. F., and I regret that the reference has been made to me, whether any of the neighboring States are likely to take up the cause of South Carolina. The question was, "Would Virginia, or North Carolina, or Georgia, send forth their militia on a call from the President of the United States?" I can anticipate no other result, when such call shall be made on these States to enable the Executive to perform the duties imposed on him by the constitution. I cannot doubt that all these States would join to enforce the execution of the laws. I cannot anticipate the painful spectacle of Virginia and North Carolina reaching forth a helping hand to uphold resistance to the majesty of our laws. Sir, should such an exhibition ever be made, should these honored States suffer our laws to be defied, the public authorities to be contemned, the dearly cherished stars and stripes of our Union to be struck in disgrace and trailed like a loathsome weed in the dust, the occasion would be the death scene of the American Union. The moral bond of sentiment and good feeling will be then cruelly smote on all its links, and the pall of despair will envelope forever the best hopes of freedom here, and under the whole heavens.

He concluded with expressing his hope that the issue of this debate would be a response to the voice which had reached the Capitol from all parts of the Union.

Adjourned to Monday.

Monday, February 4.

REVENUE COLLECTION BILL.

The Senate having again proceeded to consider the bill to provide further for the collection of the duties on imports—

Mr. BROWN, of North Carolina, rose. He did not believe, he said, that he should be able to say any thing to equal the high intellectual entertainment which the gentleman who preceded him in this discussion had furnished to the Senate. But he would endeavor to remunerate whatever attention the Senate might give to his plain, homely effort, by the brevity of his remarks. If he had consulted the admonitions of discretion rather than of duty, he should have been silent, nor have offered to oppose his views to those of gentlemen of such distinguished ability. But the bill before the Senate involved questions of such magnitude, that he could not content himself with a silent vote upon it. The subject was of high interest to the State which he had the honor, in part, to represent, both as a member of the common Union, and in reference to her peculiar position, bordering, as she does, upon the State out of whose legislation arose this question. This obligation of duty derived additional force from the resolutions of the State of North Carolina, instructing her Senators to exert their influence to obtain a "peaceable adjustment of this controversy," and to produce a restoration of harmony between the Federal Government and the State of South Carolina. While it always afforded him pleasure to comply with the requests of his constituents, in obeying their injunctions on this occasion, he followed also the dictates of his own judgment and ardent wishes. It was his earnest hope that this contest, which was now assuming an angry and threatening aspect, should be settled in a peaceable manner. He need not say that he disapproved of the course of South Carolina, or that his State disapproved of it. Her course, he thought, had been rash and uncalled for by the exigency of the times. She should have relied, as he did, upon a constitutional remedy; upon the returning sense of justice in the people of the Northern and Eastern States; and upon the wisdom and patriotism assembled in the legislative halls of the country. But the State of South Carolina thought differently, and took redress into her own hands. She was responsible to herself for her course. It was not his business to sit in judgment upon her, but to express, on his own part, and that of his State, disapprobation of her course.

The bill, though proposing on its face to be general in its application, was manifestly intended to be applied to South Carolina alone. Though the name was not written under the picture, he who runs may easily read. What is the proper way of settling this question? What course is most likely to lead to a peaceable adjustment of it? This is the question before us. The Committee on the Judiciary must excuse him, if, notwithstanding the high respect he entertained for their talents, he should wholly dissent from the specific remedy which they propose. He did not believe that the bill by them presented to the Senate was calculated to carry out the glorious, the inestimable principle of our institutions, that our Government should be essentially pacific in its remedies. He believed that, in its consequences, it would be attended with violence, and perhaps lead to civil war. He objected to the provision which authorized the repulsion by force of any attempt to execute the laws of South Carolina in reference to the revenue. To that provision he mainly objected, but there were some other provisions of minor importance which did not meet his assent. If any one principle was better established than another, in reference to our institutions, it was that the military should be subordinate to the civil authority. If any one principle was sacred, it was this. It was one which no emergency justified us in departing from; one which constituted the very essence of a republican form of government, and without which free institutions could not exist. When we establish the doctrine that military authority may step in to execute the law, before the judiciary has exerted its powers, then the essence and spirit of our institutions are essentially changed. It has been our boast that in cases where other nations resort to war, we resort to a peaceful mode of attaining a settlement of the question; and to the judicial tribunals is committed the administration of these peaceful measures. He did not at all object to the due administration and operation of the laws of the United States. He wished the laws to find support in the energy of the constitution. It was vain to say that coercive measures are necessary in this case; for there is an inherent energy in the constitution which will enable the laws to triumph without an appeal to force.

The Senator from Pennsylvania asked us the other day, if we were unwilling that the powers proposed to be given to the Executive by the bill should be confided to the present President of the United States. But that was not the question. He would say that the past course of the President had been such as to entitle him to unlimited confidence, and there was no individual to whom he would more willingly confide this power than to the President. But there was no man, however elevated in station and ennobled by virtue, however pure his integrity and honest his purposes, to whom he would give a power which was unwarranted by the constitution. We are told that a jealous watch over the repositories of power is the only way of preserving liberty. He could not believe for a moment, that, if this power were given to the President, he would abuse it. But it might, in worse times than these, and in worse hands than his, be abused to the destruction of our institutions. We may be told that the power will be limited as to continuance and application. But what does history teach us? That the fact of to-day becomes a precedent to-morrow. Our own history shows us instances of powers, some well established as constitutional, which the framers of the constitution and its early friends would have shrunk from with dread. The General Government has been gradually drawing to itself the exercise of doubtful powers. When told that they are not given by the constitution, they reply that they are justified by precedent.

The honorable gentleman from Pennsylvania, in the course of his remarks, spoke of the submissive manner in which that State would yield obedience to the most unjust and injurious legislation of Congress. The history of that State was illustrated by the virtues and patriotism of her citizens, but the Senator would pardon him if he should say that the State of Pennsylvania was not quite exempt from the faults which are imputed to the State of South Carolina. The course of Pennsylvania, in the famous Olmstead case, had some agency in bringing about the present state of things in South Carolina. Though South Carolina had not derived her impulse from that source, yet the doctrines once contended for by Pennsylvania were appealed to in justification of her present course. The opinions and principles of Pennsylvania in the Olmstead case had been cited in the discussions in South Carolina, as justifying her resort to self-redress. He did not stamp his approbation on them, nor on those of Carolina. [Mr. B. then read extracts from the report made in the House of Representatives of Pennsylvania, on the message of the Governor, relative to the *mandamus* of the Supreme Court of the United States, in the case of Gideon Olmstead, as follows:]

"That the subject referred to them has not failed to engage their most serious reflection. They have viewed it in every point of light in which it could be considered. It is by no means a matter of indifference. In whatever way the Legislature may decide, it will be in the highest degree important. We may purchase peace by a surrender of right, or exhibit to the present times, and to late posterity, an awful lesson in the conflicts to prevent it. It becomes a sacred duty we owe to our common country, to discard pusillanimity on the one hand, and rashness on the other. In either case, we shall furnish materials for history; and future times must judge of our wisdom or our weakness. Ancient history furnishes no parallel to the constitution of this united republic. And should this great experiment fail, vain may be every effort to establish rational liberty. The spirit of the times gives birth to jealousy of power; it is interwoven in our system; and is, perhaps, essential to perfect freedom and the rights of mankind. But this jealousy, urged to the extreme, may eventually destroy even liberty itself. As connected with the federal system, the State Governments, with their inherent rights, must, at every hazard, be preserved entire; otherwise the General Government may assume a character never contemplated by its framers, which may change its whole nature."

"*Resolved,* That in a Government like that of the United States, where there are powers granted to the General Government, and rights reserved to the States, it is impossible, from the imperfection of language, so to define the limits of each, that difficulties should not sometimes arise from a collision of powers; and it is to be lamented that no provision is made in the constitution, for determining disputes between the General and State Governments, by an impartial tribunal, when such cases occur.

"*Resolved,* That from the construction the United States courts give to their powers, the harmony of the States, if they resist encroachments on their rights, will frequently be interrupted: and if, to prevent this evil, they should, on all occasions, yield to stretches of power, the reserved rights of the States will depend on the arbitrary power of the courts.

"*Resolved,* That, should the independence of the States, as secured by the constitution, be destroyed, the liberties of the people, in so extensive a country, cannot long survive. To suffer the United States courts to decide on State rights, will, from a bias in favor of power, necessarily destroy the federal part of our Government; and whenever the Government of the United States becomes consolidated, we may learn, from the history of nations, what will be the event."

Those papers show what were the doctrines of Pennsylvania at that time; and it is well known that she went on to carry those into practical operation. She called out her whole military power to resist the decree of the court, and steps were taken to bring her military force into actual service. He did not adduce this fact because he approved of the doctrines of Pennsylvania, for, in his opinion, she went too far. But he meant to show her rashness did not draw down upon her the power of the Union. The administration of that day had not recourse to military coercion. The decided stand which the State had taken was known to the Government and to Congress, but they did not consider that any coercive measure was necessary before the judicial tribunals had tried their remedy. No bill was introduced in Congress, no measures recommended by the President for meeting the measures of Pennsylvania with military force. They trusted to the force of our institutions, without other remedy, and those institutions triumphed.

Should not the recollection of this transaction inculcate upon Pennsylvania moderation, and unabated confidence in a peaceful remedy? The case addressed itself particularly to that State, and bound her to practise the same moderation towards Carolina which the Union practised towards her, when, in a moment of high excitement, she opposed herself to the laws of the Union. He would, in further support of his views, read from a speech delivered by a highly distinguished citizen of Pennsylvania, a passage which was fraught with just and liberal sentiments. [From the address delivered before the literary societies of Jefferson College, at the annual commencement in September, 1832, by the honorable W. WILKINS, he read the following passage:]

"If we start with horror from such frightful consequences, let our efforts be directed to avert the evil which brings them in its train. Ever keep in mind the spirit of compromise in which our constitution had its origin. Instead of defiance and derision, let us adopt the tone of conciliation, and, where practicable, of concession. Instead of hunting up materials, from spiteful comparisons between different States or districts, let us remember only what is glorious in the history, or estimable in the character of each; adopting the happy quotation of Lord Chatham, when deprecating that stubborn and contemptuous defiance which led to the dismemberment of the British empire; let each State, in reference to every other,

'Be to her faults a little blind,
'Be to her virtues very kind.'"

In dwelling on the common efforts and the common sacrifices—on that precious fund of glorious recollections which two wars have accumulated for the whole country—there must be kindled a generous and sympathetic ardor which will prove the most powerful of centripetal forces. I agree, continued Mr. B., that the spirit of compromise and conciliation is the strongest bond which binds us together, and it is that tie which unites us, and not the strong arm of military power.

The gentleman from New Jersey, in the course of his remarks, said that the constitution was ratified by the people; that it was submitted to the States merely from convenience; and that the people had clothed the General Government with its powers. To that position he would not assent. It brings up the great question of consolidated powers. The establishment of this doctrine utterly annihilates the constitution as it was expounded by the most enlightened republicans of '98 and '99. If that doctrine had been constitutional, then it was only necessary that the constitution should be ratified by the majority of the people. The ceremony of submitting the instrument for the ratification of the States was an idle mockery, if the powers granted by the constitution were not granted by the sovereign States, but by the people in mass. He would refer to the history of the transaction. Eleven States had ratified the constitution, constituting an overwhelming majority of the people; but still North Carolina refused to ratify it, and so did Rhode Island. As sovereign States, they refused their sanction to it. If the doctrine of the Senator from New Jersey was correct, North Carolina was, at this time, guilty of resistance to the constitution and laws. Little Rhode Island was guilty of opposition to the supreme law of the land, for she did not come into the Union for some time after North Carolina. That single circumstance shed much light on this subject. The State of Rhode Island, a small State, but little larger in population than some of the counties in New York, yet exercising on that occasion a sovereignty co-extensive with that of New York, Pennsylvania, or any other State in the Union. Another fact repudiates the doctrine here advanced, that the constitution is the work of the people. It is only necessary for a majority of the States, constituting one-fourth of the people, to refuse to elect Senators, and an end is put at once to the General Government. This consideration puts to flight all the arguments urged to prove that this is a consolidated Government. He was aware that it had been said, in reply to this remark, the meaning of the quorum, which was necessary to enable the Senate to transact business, would in this case be construed to mean a majority of the States actually represented; and the States not represented would not be considered as belonging to the Union. But this objection would drive gentlemen to an admission of the right of secession—a doctrine which, perhaps, they would not be willing to allow; for if a State has not the right of secession, no act that she herself may do, or omit to do, can place her out of the Union.

But if the origin and nature of our Government did not put this idea to rest, the character and extent of our country would have done so. The people of so wide and various a surface would never have delegated the powers to make a consolidated Government. They knew that no such Government could exist here. What says Mr. Hamilton in the Federalist? What says Mr. Madison on the subject? Why, that to adopt a consolidated Government would be destroying the principles of the revolution, and would inevitably lead to monarchy. And why? Because whenever a majority, having adverse interests to the minority, should combine to oppress the smaller portion, the latter would have to intrench themselves behind their reserved rights, and make resistance to the oppression, or be annihilated.

What would be the consequence of this resistance? So soon as the minority discovered that the majority were forcing interests adverse to their own, and they began to resist the encroachment, the military arm of the Government would immediately be strengthened, and there would be but one step beyond—that of a monarchy.

The gentleman from New Jersey had said that it was the aspiring pride of the State sovereignties which had led to this state of things. The aspiring pride of the State sovereignties! It was an avowal of doctrines such as these which was so repugnant to his feelings. It was well known that in the origin of the Government the country was divided into two great parties. One of these parties contended in favor of the reserved rights of the States, and to restricted powers of the General Government. The other was for conferring on the General Government unlimited powers. This last was called the federal party. With a loud note they proclaimed the necessity of investing the General Government with a vast range of authority. Some of them even went so far as to propose a form of Government which would have been substantially a monarchy. Mr. Hamilton, in the convention which framed the federal constitution, had advocated the appointment of a chief Executive Magistrate, and a Senate during good behavior, which was equivalent to appointing them for life. Such, said Mr. B., is my remembrance of the subject. The history of these times will show the fact. The doctrine of State rights, and of the reserved powers of the State sovereignties, was abhorrent to the leaders of that party. They did not, however, succeed in carrying their enlarged views into effect. He did not intend to characterize the whole of that party as entertaining these views. But such were the sentiments of some of its leaders. Nor did he intend to impugn the motives of these gentlemen, though he doubted not they were actuated by feelings as patriotic as those which actuated any men. But it was well known that the high-toned part of the federal party did doubt the competency of the people to self-government. They were for arming the federal power with all authority, in order, as they said, to save the people from their own worst enemies. There were some of the prominent men of the country who did not subscribe to that principle, but who did believe that the people were competent to self-government; that they were fully able to go through the work which they had begun, and to carry out that beautiful theory of republican rule. Happily for the the country, they prevailed. Happily for the country, the principle was established, that the States were sovereign and independent, as to all powers which they had not delegated to the General Government. And some of the republican party went so far as to believe that the States themselves had the right, in the last resort, to determine for themselves what were the precise powers which they had delegated. He was well aware that the doctrine of nullification, as it now prevailed in South Carolina, was about to be made use of, not against that doctrine alone, which he did not rise up to defend, but for the purpose of founding upon it a war of extermination. It was against that that he desired to enter his protest; under this masked battery, he saw that it was intended to fire upon the rights of the States. Gentlemen held up the flag of nullification, rang all the changes upon the word, sounded the tocsin of alarm throughout the country, and presented the whole matter in a light the most unfavorable to South Carolina, in order to justify to the other States the war which they were disposed to wage. It was a war, too, which would admit of no neutrals. The gentlemen who have taken the strong ground, like Napoleon, have thrown out the declaration that there must be no neutrals.

I take my stand, said Mr. B., on the reserved rights of the States. I repudiate the doctrine of nullification. I repudiate also the high-toned doctrine of the federal party. I believe it is to that high-toned doctrine that we are to attribute nullification. I believe that doctrine produced it; is the parent of it. It is by an improper pressure of the Federal Government on the rights of the States, and by exercising doubtful powers, that the State of South Carolina has been thrown into this position. He did not mean to justify the course of that State. But whether she was right, or whether she was wrong, this furnished her with something like an excuse for her conduct. He believed that the principle was as susceptible of demonstration as any principle of mathematics; that almost any attitude of resistance against the Federal Government, in which States had been seen, arose out of the unwarrantable exercise of doubtful powers by the United States. They had always been inclined to tranquillity. They had always been disposed to make a child's bargain with the United States: If you will let us alone, we will let you alone. They would never have admitted the idea of rising in opposition to the United States, unless there had been some exciting cause. The whole history of the world proves this fact. There is no precedent where a people have arrayed themselves against a supreme power without any occasion, because the great body of mankind has always been found more ready to acquiesce in oppression than to resist it. He desired gentlemen to produce a single precedent where a people whose pursuits are peaceful and agricultural for the most part, were willing to cast away "the piping times of peace," and for the mere love of glory to rush into a conflict against power, and that power twenty times larger than itself. Could gentlemen produce an instance where any State, without provocation, had ever offered resistance to the General Government? He had thus, he believed, established the great principle that the States themselves were always willing to be quiet, and that most of the opposition which had been manifested against the General Government had arisen from the exercise of doubtful power by that Government, by which had been provoked that State pride which the gentleman from New Jersey so earnestly denounced. Without that pride this republic would now have been as nothing. To justify this principle, that most of the controversies which had arisen, have arisen from the circumstance of the Federal Government taking their debatable ground, he would read an authority which would meet with the approbation of all pure democrats. It was the authority of George Clinton, a name deserving of all respect; *clarem et venerabile nomen;* a man distinguished for his steady adherence to democratic doctrines. When he was President of the Senate in 1810, he gave his casting vote against the bank. It was on that occasion that he used the following language:

"In the course of a long life I have found that Government is not to be strengthened by the assumption of doubtful powers, but by a wise and energetic execution of those which are incontestable; the former never fails to produce suspicion and distrust, whilst the latter inspires respect and confidence.

"If, however, after a fair experiment, the powers vested in the General Government shall be found incompetent to the attainment of the objects for which it was instituted, the constitution happily furnishes the means for remedying the evil by amendment; and I have no doubt that, in such event, on an appeal to the patriotism and good sense of the community, it will be readily applied."

What was the result of his experience? That the Government was never strengthened by the exercise of doubtful powers. A doctrine which still prevails among the distinguished leaders of the party in the State of New York, and which they can never consent to surrender, unless they should become recreant to the great principles which they have always maintained. But he would not only quote authority, but he would also quote facts. What was it which excited the first controversy between a State and the United States; a conflict which threatened to bring ruin on the country, and which was designated the reign of terror by the republican party, as it well deserved to be characterized? He referred to the alien and sedition law, which, by usurping the power of trampling into dust the liberty of speech, the freedom of the press, and all the rights and securities which the people had enjoyed, called forth a movement the most glorious to the country that could be imagined. It drew forth the celebrated report of Mr. Madison, a report to the merits of which he was totally inadequate to do justice. This was a movement of the aspiring pride of the State sovereignties, which, instead of destroying the Union, brought back the Government to its first principles. So much, then, for State pride. If that State pride had preserved the constitution at its last gasp, it ought not to have called down upon it such unqualified reprobation. The doctrines of Virginia saved the confederacy in that dangerous crisis. They produced a civil revolution, which brought into power the wisest and the ablest statesman who ever lived in any country. This was one of the benefits which had resulted from State pride.

In the case of the establishment of the United States Bank there arose also a conflict of powers. There were many who believed that it was an assumption of power not delegated to the Federal Government. Ohio was one of the States which held that opinion. This matter also was finally adjusted. What was the next question which agitated the country? It was the exercise of the power of internal improvement. That was not an expressed power granted to the General Government. It was among the doubtful powers, and the right to exercise it was denied by several of the States. It was denied by the State of New Hampshire, and by a very respectable portion of the State of New York, which held that it was one of the doubtful powers. The right of appropriating money to all or any objects was another of the doubtful powers. The State of New York, and some other of the States, disputed the right of the Federal Government to appropriate money except for the purposes pointed out by the constitution. Such are the contentions which had arisen from the exercise of doubtful powers by the Federal Government.

The case of Georgia was the next to which he would call the attention of the Senate. The usurped powers which the United States attempted to exercise over her provoked the pride of that State, as well it might. When the Government of the United States undertook to tell her that she could not extend her jurisdiction over the whole of her own soil, she might well resist. This contention, arising also from the exercise of doubtful powers by the United States, was at one moment pregnant with awful menace.

The last, but not the least, of the conflicts which have arisen from the exercise of doubtful powers by the General Government, was in relation to the protective system. Here the Government of the United States had assumed the right of unlimited taxation, of taxing one portion of the community for the benefit of another and a more favored portion. He hoped that he had thus succeeded in establishing the position that most of the controversies which had arisen had their origin in the exercise of doubtful powers by the Federal Government, operating against those rights which the States deem necessary for the preservation of their existence in a sovereign capacity.

The gentleman from New Jersey had held up the constitution in his hand, and, with all that patriotic ardor for which he was distinguished, said he should cling to the bond. I, too, said Mr. B., will cling to the bond; and while I will willingly allow the gentleman to take full usage, I hope that, in taking the pound of flesh, he will not spill one drop of blood. The gentleman had also said, that old Rome never submitted to the dictation of any of her provinces. This was a luminous commentary on the rest of his remarks. No wonder that he had spoken disparagingly of the States, when he compared them to Roman provinces. This sufficiently accounted for the consolidatory principles of the gentleman from New Jersey. But old Rome was always ready to extend justice to her provinces. Whenever the deputies of a province came before her Senate, she did not fear to do them justice. We may all becomingly fear to do wrong, but we should not fear to do justice.

The gentleman from New Jersey had said he would not strike a sister State, but would retire to the wall. He, Mr. B., admired this principle, which so admirably accorded with what he knew of the private worth of the gentleman from New Jersey. But when the gentleman went on to say that the dignity of the country required that the laws should be executed, he could not avoid asking him in what that dignity consisted? Did it consist in calling out the military power, in bringing citizen into conflict with citizen, and deluging the country with the blood of her children? If that was the meaning of the dignity of the country, he, Mr. B., prayed Heaven to deliver him from such dignity. He considered that the dignity and honor of the country would be best promoted and established by doing justice, and carrying out peacefully and efficiently the principles of the constitution. This would be worth all false glory, all the national glory of which we have heard so much. It would eclipse all the glory of imperial Rome and of imperial France, which was nothing to the glory of a just, equal, and benignant dispensation of the laws.

One of the reasons which had mainly induced him to rise was, to show that every peaceful remedy should be resorted to. The constitution was framed in a spirit of mutual deference. It was ratified in that same spirit of deference, and so it ought to be administered. The whole history of our country conforms to that principle; a mutual deference to all great interests of the country. The practice of the Government has been invariably marked with the spirit of conciliation.

The State of Kentucky, in 1794, was dissatisfied with the Government of the United States, because the free navigation of the Mississippi had not been secured. The Legislature of that State made a strong remonstrance on the subject to the General Government, claiming that free navigation as their right. They asserted that God and nature had given them this right; and they menaced a withdrawal from the Union if it was not obtained for them. What was the course of Washington? What was the course of the American Congress on this occasion? They did not assume the ground that they would not legislate while this menace was held over them. Yet no one could doubt the courage of Washington. No one could doubt that he was not prepared for every emergency. He said that the Government had been established in a spirit of compromise, and he recommended that a respectful reply be given to the State. He laid before the Legislature the facts in the case, and the free navigation of the Mississippi was obtained.

There was also another case, which was the assumption of the State debts. At the close of the war of the revolution, besides the national debt, each State had contracted its debt; and it was demanded by the Eastern States that the General Government should assume the payment of these debts of the States. Such was the dissatisfaction which resulted from Congress delaying the payment of these debts for five years, that a dismemberment of the Union was expected. In making this reference, he had no intention to cast an imputation on the States, but merely to state facts. The General Government ultimately assumed these debts. Suppose that, instead of taking this course, the General Government had acted on the idea thrown out by the gentleman from New Jersey, that the pride of the State sovereignties ought to be checked; we should not, said Mr. B., be at this moment engaging in this discussion, and enjoying the privilege to which this floor entitles us.

The next instance was the repeal of the embargo law in 1807. This was a measure of Mr. Jefferson, and one to which he was greatly attached. But when he saw that, by the continuance of this embargo, the Union was likely to be dismembered, did he say that the law must be enforced at all hazards? No such thing. Acting on the conviction that this is a Government of compromise, he repealed the embargo. In his works published since his death, it is made apparent that this was a very favorite measure with him. Yet on the approach of so dangerous a crisis, he hesitated not to abandon and repeal it.

This is another instance of concession on the part of the General Government to States, which resisted the exercise of doubtful powers.

Mr. B. said, as he had stated his objections to the course which the honorable Judiciary Committee had advised or recommended to the Senate to adopt, and deeming it not calculated, as honorable gentlemen had observed, to preserve the Union, but, on the contrary, calculated, if carried into practical operation, to destroy this glorious Union, it was proper that he should state what he thought would best meet the present crisis. He considered the true remedy a peaceful remedy, that of conciliation, according alike with the genius of the constitution and the practice of the Government. The revenue should be reduced to the wants of the Government; and the oppression which the Southern people labored under, in consequence of the tariff system, ought to be removed. If gentlemen wished to preserve the Union, the country should be appeased. This appeared to him to be an infallible remedy. The one, however, which the committee had prescribed, might be fraught with some danger. He was aware that there was a set of politicans, who thought this the favorable moment to try the strength of the Union, and that Government ought not to concede one particle of the protective system. Can it be possible, at this day, (said Mr. B.) that any individual would wish to jeopardize the peace and harmony of twelve or thirteen millions of people, not only the peace of a whole people, but to retard the progress of free Governments throughout the world, by an experiment of that kind, to try the strength of the Union, and whether it can survive the use of the military power? He hoped not. He trusted that our republic would be hazarded by no such speculative experiment.

It is argued, continued Mr. B., that the State of South Carolina having placed herself in this attitude of defence, Congress ought not to legislate on the subject, as had been said in some of the newspapers, while the sword is brandishing over our heads. This is not meeting the question; it is not the true question; it is a question of a very different character. Are the people of South Carolina alone concerned in this matter? Is not a vast portion of the American people concerned in it? Are not the whole of the Southern States interested in this subject? It is not only the Southern States, the State of New Hampshire, the State of Maine, and a portion of the people of New York, but a large and respectable number of the States in the Southwest, which consider the tariff system unjust and repugnant to the principles of the constitution, and that we have no right to keep it up. It is argued that justice should not be done to South Carolina, because she has assumed a menacing attitude. This is not a proper view; it is not just to the other States. Is it any reason, because South Carolina has acted imprudently, that she should not receive justice? If she has forfeited any claim to the consideration of the General Government, ought the other States to incur the forfeiture? Nothing can be more erroneous, nothing more absurd, nothing, I will say, more tyrannical, than to oppress all the Southern States, because South Carolina has acted rashly. I do not, said Mr. B., argue this question as a Southern question. Thank God, in the exercise of my legislative rights and duties here, I can look beyond the Potomac. Thank God, I have a feeling which is not confined to the geographical limits of any portion of the United States. I can look and judge of my countrymen north as well as south of the Potomac; and I wish it to be distinctly understood, that what I now say respecting South Carolina, I deem applicable to every member of this confederacy. To no one of these States would I arrogantly say, I will not do justice, until you come on your knees before me.

I do hope, if I have any patriotism, it is not that narrow, contracted patriotism which is confined to geographical limits. I trust it is that patriotism which looks abroad over the Union, and embraces every portion of my fellow-citizens. And so help me God, if my constituents were this day to demand that I should perpetrate an act of injustice against any member of this confederacy, that I should do an act in behalf of North Carolina which would trench upon the rights of Maine or of Massachusetts, or Pennsylvania, which I believed destructive of their constitutional rights, so help me God I would resign my seat, and retire to my home, rather than jeopard the peace of this republic, this glorious experiment of a free Government, by taking what justly belongs to Maine, and unjustly to bestow it on North Carolina; believing that a man presents a more truly dignified attitude who refuses to do an unjust act, than he who perseveres in injustice.

But what are we now called upon to do? We are called upon imminently to jeopard the public peace, by a novel and dangerous experiment; to enforce a law which not only a large portion of the American people believe unconstitutional, but which I verily believe, if the question were submitted to their individual opinion this day, they would repudiate and require to be rejected. We are called upon to enforce a tariff law, which I believe the majority of the people of the United States desire to have amended or modified; and the modification of which is fortified likewise by the recommendation of the Chief Magistrate.

And before I proceed further, let me explain myself on this point. I do not take the ground, and I will not take it, and I wish to be distinctly understood with respect to this matter, that a law which is tainted with injustice should not be put in force. I take the ground that no law oppressive in its character should be executed by interposition of military power, until every pacific measure which can be devised shall have been resorted to without the desired result. The remedy for evils of the greatest magnitude should be sought for in the peaceful tribunals of this country, according to the great principles handed down to us by the English whigs, and which we have infused into the spirit of our constitution and Government.

If, on a failure of all these means, it shall be found necessary to use force to execute the laws, let it be used. I am not prepared to say that the emergency cannot arise; but I do say, that before a law of this kind is to be executed, before the peace of the Union is to be disturbed, there ought to be a reference to the justice, to the wisdom of Congress, to weigh, to examine the provisions of that law, and solemnly to pause and reflect before proceeding to put it in force by military power.

I beg leave, said Mr. B., to advert to what the President of the United States has said in his message to Congress, and I do it because this is the first remedy which the President recommended to Congress at the opening of the present session. I cannot doubt, that if the Executive wishes were consulted, he would, and decidedly, give the preference to a peaceful settlement of the difficulties by Congress. I do not mean to say that his preference should influence our legislation, but it ought to have weight with us.

Speaking of the extinguishment of the public debt, the President goes on to remark:

"The final removal of this great burden from our resources affords the means of further provision for all the objects of general welfare and public defence which the constitution authorizes, and presents the occasion for such further reduction of the revenue as may not be required for them. From the report of the Secretary of the Treasury, it will be seen that after the present year, such a reduction may be made to a considerable extent; and the subject is earnestly recommended to the consideration of Congress, in the hope that the combined wisdom of the representatives of the people will devise such means of effecting that salutary object, as may remove those burdens which shall be found to fall unequally upon any, and as may promote all the great interests of the community."

Again, in another part of the message, the President remarks:

"That manufactures adequate to the supply of our domestic consumption would, in the abstract, be beneficial to our country, there is no reason to doubt; and to effect their establishment, there is perhaps no American citizen who would not for a while be willing to pay a higher price for them. But for this purpose, it is presumed that a tariff of high duties, designed for perpetual protection, has entered into the minds of but few of our statesmen. The most they have anticipated is a temporary, and generally incidental protection, which they maintain has the effect to reduce the price, by domestic competition, below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget in the minds of a large portion of our countrymen a spirit of discontent and jealousy dangerous to the stability of the Union."

These are the sentiments of the President regarding the law which we are now called on to adopt extraordinary means of carrying into execution.

As I consider this is a most important point, as I consider it the true means of removing the difficulty now involved in this question, I have not only adverted to the annual message of the President as showing the views of the administration and their remedy for the difficulties in the South, but I would now beg leave to read from the annual report of the Secretary of the Treasury.

[Here Mr. B. read an extract from the annual report of the Secretary of the Treasury on the subject of the reduction of the duties.]

Thus we have the direct suggestion of the present administration, that this is the most appropriate remedy. It is the one which was first suggested at the opening of the session, and I believe it is calculated to achieve all the great objects so much to be desired, all which it is necessary to achieve, and that without endangering the republic.

What is the extraordinary spectacle, I would remark, which the American republic now exhibits to the world? A republic which has heretofore boasted of its freedom—a republic which has heretofore pursued the "even and peaceful tenor of its way"—a republic which had been found competent to all the legitimate purposes of Government without slaughtering its citizens, and which, with very few exceptions, has gone on peaceably for fifty years. We present the extraordinary spectacle of calling on the administration and the Executive branch of the Government to enforce a law against a portion of our fellow-citizens, to compel them to contribute so much money to the revenue, which it is acknowledged is six millions annually more than is requisite for the wants of the General Government. A removal of that burden would remove all difficulty with the State of South Carolina. Even a partial removal of it, a mitigation of it, would make the tariff system more acceptable to the people, without a total abandonment of the principles. I speak in reference to the views and prevailing sentiments of that portion of the people I represent.

Sir, it does appear to me a powerful consideration that we are almost on the eve of a civil war; and for what? To enforce a law for the collection of revenue, when it is admitted by the Secretary of the Treasury that there are at present six millions of dollars more than is wanted for the common purposes of the Government. Is this calculated to elevate us in the eyes of the nations of Europe? Is this calculated to cheer the hopes of those people who have been long struggling for their rights? Permit me to say that I think it will somewhat weaken the force of our republican experiment; yet, I believe that our Government is capable of achieving all the great objects for which it was designed, and settling this matter.

If, in the revolutionary contest, when the blood and treasure of this country were profusely poured forth to establish the rights and liberties of mankind, to give self-government and to abolish unjust taxation, any one of our ancestors who were engaged in this glorious struggle had predicted that in less than half a century afterwards we should be engaged in the consideration of a bill to compel a portion of the people, at the point of the bayonet, to pay taxes when the Government had six millions of dollars more than it needed, they would not have believed him; credulity itself at that time would not have believed such a prediction. If they could have credited the story, it would have enervated the arm which struck for liberty, would have damped the bosom which glowed with patriotism. But what has been the practice of our Government heretofore? I beg leave to recur to another case distinguished in the history of our Government, and which I overlooked at the time I was remarking on the various instances of forbearance shown by our Government. In the late war, when a large majority of the people of the United States believed the pride of the country to have been wounded, when the constituted authorities of the land believed the national honor to have been trampled upon by the British Government, and considered it the sacred duty of all to assist them in resenting the insult, we found many on that occasion—yes, even pending the gloomiest period of the war—resisting every bill which went to give the Government of the United States men and means to prosecute that war. They resisted it on the ground that peace might be obtained, and, I believe, because they deemed the war to be unjust, and while our villages were smoking and our country invaded by a large body of hostile troops.

We find at that moment a large body of men in Congress, whose patriotism I do not call in question—far be it from me to do so—a powerful, talented, and respectable body of men, even at the darkest periods of that war, voting against giving men and money to carry on the war. Great Britain had trampled on our commercial rights, had insulted us on the high seas for six years before war was declared. Notwithstanding all this, we found a powerful body who said that no army nor money ought to be voted to the Government. Now, if that spirit of forbearance, great as it was, could be shown to an enemy whose cry was, *Delenda est Carthago*—if that spirit could be exercised *bello flagrante*—certainly some little patience is due to our brethren of the South. Surely some forbearance ought to be shown to our countrymen. If there were many at that time who thought the sword should not be unsheathed against those who would trample us under foot, is it to be supposed that we are now to plunge it into our fellow-citizens without some little examination into their cause?

I wish to be distinctly understood on one point. I do not intend to justify South Carolina; I am not her advocate, but she has a right to have justice done her. I do believe, however, that this question may be settled; and that by acting in a spirit of conciliation—a spirit not only due to her, but the vast portions of the North and South—the question might be put at rest. As regards the union of these States, there is not a member in the Senate, and I trust I shall not be considered egotistical when I say that there is not, in the whole Union, one in soul and heart more dearly devoted to it than my humble self. I believe that all the advantages of liberty, and of a free government, are at issue in this matter; and it is for that reason I urge a pacific course. Even the Grenvilles and the Norths, arrogant as they were, even they brought forward their measures; even they repealed some of their odious laws to satisfy the desires of the colonies. And shall it be said, there is now a spirit more inexorable, more inaccessible to the voice of justice, than that which prevailed under the British monarchy? If so, the blood of those who achieved the revolution was shed in vain, and the hopes of the friends of free government are forever put at rest. If that inexorable principle, that there is to be no regard paid to the feelings and wishes of the minority, he would say that this would change the whole principle of our federal compact, depriving it of all its republican and benignant features, and converting the federal into a consolidated Government.

In every portion of the Union there is a set of great primary interests. He wished to be distinctly understood on this point. He did not mean to say that the Government of the United States should yield to every rash requirement of a State; far from it; but he did intend to say, that whenever any of those great primary and leading interests made just remonstrance against any obvious oppression, it was our duty, in the true federative spirit of our Government, to forbear; otherwise, the Government must effectually change its character. The West has her primary interests and sensibilities in reference to the great land question, and he (Mr. B.) would always be disposed to do ample justice to her as well as to every other section of this country. He would not feel power and forget right. New York has great interests in a commercial and manufacturing way; he, therefore, would do nothing that would trample them down. He would let them be free as they are, and give them all the privileges they require. With regard to the manufacturing interests of the country, he believed that the constitution did not tax the interests of one portion of the people to benefit another. He would bear and forbear. And, as to a specific measure for the reduction of the revenue, he declared that he was not one of those who would give a deadly blow to the manufacturing interests, by a thorough and too rapid reduction to the revenue point. He would do it gradually, in that spirit of forbearance which is due to the whole Union. Having glanced at the peculiar interests of the West and North, he would now advert to those of the Southern States. Their interests consist in producing as much as possible, selling at the highest prices, and buying as low as possible. But that natural course of things had been interrupted by the Government of the United States for many years past. But he did not subscribe to that doctrine which is maintained by some, that there are not essential interests common to a large portion of the United States. He believed every section of the Union, North, South, West, and East, were inseparably connected. There was no such thing as an adverse interest. It was true that an artificial state of things had grown up.

There was no difference between the great natural interests which God and nature had given us; if there was any difference, it arose from a dread of unjust legislation. Unjust legislation had produced it, and not the diversity of soil, habits, and pursuits. The true doctrine was, to extend equal protection to all in their various habits and pursuits, and leave the path free for a generous and beneficial competition of all.

He begged leave to read a short extract from a speech of Mr. Bayard, a man of eminent ability, a republican, a patriot; and he (Mr. B.) believed that the sentiment would and ought to have its weight. It was at a particular period of the embargo, and the remarks were made in the course of a speech on the question; and in reading this, he intended to make no special reference to that portion of the Union; they had a right to express what they felt; he merely referred to it as illustrative of the principles of our Government. In the course of that gentleman's remarks on the repeal of the embargo law, Mr. Bayard said as follows:

"We all know that the opposition to the embargo in the Eastern States is not the opposition of a political party, or of a few discontented men, but the resistance of the people to a measure which they feel as oppressive, and regard as ruinous. The people of this country are not to be governed by force, but by affection and confidence. It is for them we legislate; and if they do not like our laws, it is our duty to repeal them."

"If they do not like our laws, it is our duty to repeal them;" so said he, (Mr. B.) It was right and proper that the other members of the Union should respect their feelings, nay, even their prejudices. Suppose that our Government had pursued a different course; had steadily refused to repeal the embargo law; had determined, in the language of the present day, to make an experiment to test the strength of the Union; and that our fellow-citizens of the East should have been coerced at the point of the bayonet; what, in all probability, would have been the consequence? He believed there would have been bloodshed, and that the consequence would have been a dissolution of the Union; and that the prospect of a free Government would have been destroyed; that all the States of the Union would have become separate Governments, and civil war would have resulted. The calamitous consequences which would result from a dismemberment of the confederacy, none could doubt; each of the great divisions, seeking to strengthen themselves against the aggressions of the others, would give large powers to their Executive authorities, which would most probably terminate in the establishment of a military despotism in each.

Proud as he was of the achievements which had been performed under the star-spangled banner; proud as he was of the stars and stripes which have fluttered in every sea and every clime; anxious as he was for the glory of the country; yet God forbid that those stripes and stars, which had heretofore been the rallying point of heroism, should now float over the mangled corses of our bleeding countrymen. God forbid that our country should undergo this sad and disastrous revolution; for he believed, whenever that should take place, not only the liberties of this country, but the best and brightest hopes of the civilized world, would be destroyed forever.

Mr. FRELINGHUYSEN said, that he asked the indulgence of the Senate to say a word, to correct some misapprehensions of the Senator from North Carolina, [Mr. BROWN.] Sir, said Mr. F., I must have been peculiarly unhappy in stating my views, when the Senator understands me to have compared our Government with the Roman provinces. So far from this, I did, in very explicit terms, refer to Rome by way of grateful contrast, not of parallel; and urged, that it was because we were not conquered provinces, but a Union of free and co-equal States; that it was because ours was a peace and not a war spirit, that I would retreat from a custom-house on land to a custom-house on the water; that from a real tenderness of shedding a brother's blood, I would go back to the very wall and never strike, until forbearance should itself become treason.

Again, sir, I was quite as unfortunate with the honorable Senator, when he ascribes to me the notion that our constitution was the production of the people in the aggregate. I too well knew the fact to be otherwise, to contend for such an absurdity. In adopting the constitution, it was insisted that the people acted in separate communities, and for the palpable reason that they existed in separate communities. But, sir, as matter of argument, I endeavored to show, that so far as concerned the character of the instrument, the extent of its powers, or the nature of the Government created by it, it was altogether immaterial whether the popular will was ascertained by distinct communities, or by a reference to some aggregate expression of that will. That, even granting the largest demands of the gentlemen who press the pretensions of State sovereignty, it would not in any measure impair the strength of the proposition that maintains the supreme authority of the General Government, by the nature of the powers contained in the grant. That, in either view of the subject, we must still turn to the constitution as the best expounder of itself; and if the delegation has there been made, why, sir, the character of the party to it cannot affect the grant. After all our speculations, we are constrained in the end to inquire what are the attributes with which the constitution invests the departments of the Government.

One word, sir, on another part of the honorable Senator's remarks. It regards an opinion that the aspiring ambition of State sovereignty led to collision under the confederation, and probably produced much of more recent excitements. This opinion, said Mr. F., is not mine, it belongs to history. No political view had been taken of the embarrassments which prevailed during the first years of our national existence, that failed to perceive in this ambition among the State sovereignties a very fruitful source of our difficulties. Sir, from the very nature of man, this must be so. It was to be expected that jealousies would spring up between the General Government and the States. Each moved in a sphere of power; and we know the constant tendency of power to be thirsting after greater measures, and to maintain a sleepless watchfulness towards all competitors. This vigilance is salutary, when controlled by prudence and principle; I hope never to see it relaxed either by the States or the United States. It will preserve the functions of both in their healthful action.

I submit, therefore, Mr. President, that the opinion of State aspirings is not so untenable as the honorable Senator deemed; and from the sensitiveness with which he has met the remark, I must think that it has struck not very far from the head of the nail.

Mr. HOLMES, of Maine, next obtained the floor, and moved an adjournment.

TUESDAY, FEBRUARY 5.

THE REVENUE COLLECTION BILL.

The Senate then resumed the consideration of the bill further to provide for the collection of the duties on imports.

Mr. HOLMES rose to address the Senate. Without preface, he began by reading the following extracts of a speech,* from a volume which he held in his hand, and which the reporter has been lucky enough to find by seeking for:

"Gentlemen have a wonderful faculty of denouncing "laws as unconstitutional. It was to be expected that "those gentlemen who regard their reputation as correct "lawyers, would have deliberated before they decided. "At least it was hoped, that, inasmuch as we have a tri"bunal competent to decide this question, and that very "speedily, gentlemen, instead of threatening to legislate "against the legislation of Congress, would have taken "the means to have a decision in the courts of the United "States. Are they afraid to trust the federal judges? "Do these gentlemen lack wisdom and integrity? Or is "it this wisdom and integrity which they are afraid of?

"The embargo was a measure called for by both par"ties; and the people had rather bear it, hard as it is, "than that their enemy should be fed. But gentlemen "threaten legislative interference: and are they prepar"ed for this? They mean, surely, by a State law, to repeal "the embargo and enforce the repeal against the officers "of the General Government. This is coming out. If "they are in earnest, I like this. You have talked long "enough. We begin to doubt your nerve. Your rich "men have probably made up their minds, as well as "those of desperate fortunes. They probably under"stand the meaning of the word revolution. They have "probably thought where they shall be when the wheel "stops." *

This, said Mr. H., is from a speech of a member of the Senate of Massachusetts, made nineteen years ago. I knew him well, sir; perhaps not so well as I ought o have done; but I know that his sentiments were then mine. Upon these principles I came into public life, and with them I will go out of it. There is no mystery or concealment about them. There can be no mistake as to what the speech meant. He who made it was a man who spoke right on, and generally called things by their right names. These principles were mine, sir, twenty-five years ago, and they have continued to be so ever since. I have gone on in the same way of reasoning and acting to this day. Sometimes, to be sure, I have waked up and found that I had a strange bed-fellow; but, if so, he has crept into my bed, and not I into his.

The Senator from Kentucky, and the Senator from North Carolina, [Mr. BIBB and Mr. BROWN,] had both intimated that they are members of the great republican party. Mr. H. said he hoped that they did not intend to intimate, by this, that others, who disagree with them on the question now before the Senate, do not belong to the republican party. The principles which he had just quoted, at least, were thought republican when delivered, by the republican minority of the Legislature of Massachusetts, and approved as such by the republican majority here. These were the principles, he repeated, on which he came into public life, and on which he intended to go out of it.

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* Extracted from the speech of JOHN HOLMES, delivered in the Senate of Massachusetts, in January, 1814. See Niles's Register, vol. 5. sup. p. 180.

Mr. H. said he had hoped that, in the discussion of this question here, there would have been no allusion to the old parties and party devices. He regretted there had been any. But since they had been alluded to, he would say, that if his principles, advanced in 1814, in the Legislature of Massachusetts, that there is a supreme tribunal that has a right to decide definitively and effectively all questions between the Government of the United States and the State Governments, are not republican now, they were not then, and the administration that carried on the war with Great Britain was not a republican administration. If the arguments of the honorable Senators were to prevail with him, they would but convince him of his having been under a strong delusion. He had thought, all along, that this Government was a monument of human wisdom; he had admired its strength and its beauty, and its foundations as firm as the everlasting hills. But now, it seemed, from the arguments of gentlemen, that he had labored under an hallucination, and that what he had supposed to be a stable Government was a crumbling mass, tottering to its ruin, falling apart under its own cumbrous weight. Under the influence of such representations, he said, he felt gloomy and heavy of heart. Have I, said he, been deluded or not in this matter? Is there any effective power in this Government to maintain itself, or is it to be subjected to the power of its members? This was the question now to be decided; he regretted the necessity of trying it at this time, but it could not be avoided.

Before he proceeded further, Mr. H. said he must request the Senator from Pennsylvania [Mr. Wilkins] to exonerate him from the charge, in supporting the bill which that gentleman had brought in, from the imputation of following too obsequiously in the train of the Executive recommendations. He should expect from the liberality of the honorable gentleman, that he would give him an official certificate that he had not heretofore too zealously supported the present administration. He (Mr. H.) had reason to believe, indeed, that the President of the United States had no great affection for him; not, perhaps, so much, for instance, as ought to exist between a man and the partner of his joys and sorrows; and perhaps (said Mr. H.) upon the whole, there is not much love lost between us. But, sir, I do love my country; and since she has, against my will, made him her agent to execute the laws, I am disposed, though I may regret the exigency, to give him all the power that is necessary to carry that purpose into effect. It was my wish to have conferred the trust which he holds elsewhere; upon one who, when he got power, would not stretch it to the utmost limit of it; but the people had made another the executor of the laws: and, if not he, who is to execute the laws? I repel the suggestion, (said Mr. H.) from whatever quarter it comes, that, because I maintain that the laws are to be executed, I have turned about, or changed my principles.

The Senator from North Carolina (Mr. H. said) had spoken very well of the principle of the military being always subordinate to the civil authority. Mr. H. agreed with him most cordially. But when the civil authority itself is resisted, to call the military to its aid is defending and maintaining the civil authority. The authority of the United States (said he) is that which we represent here; and, if it be resisted by any spurious authority, it is then our duty to sustain it by whatever measures may be necessary. In reply to the question asked by the same gentleman, whether the Senate were willing to extend the executive power, Mr. H. said, that the great danger from the executive branch of the Government was its irresponsibility; and it would be recollected, that, in the matter of removals and appointments to office, when he and his friends, who were opposed to the extension by construction of the executive power, were desirous, by the Senator from North Carolina and his friends, to inquire into the cause of the removal of competent officers, they were not permitted by the Senator from North Carolina and his friends to do so, because, forsooth, the President, in removing them, had acted upon his high responsibility. It was not a little singular that those, who then contended that the President was subject to no responsibility but his own unbounded discretion, should now be found trembling with apprehension at the idea of trusting him with any discretion whatever.

Without further preliminary, Mr. H. said, he would come to the question in controversy, which he considered to be this, and plainly this: In the conflict of power between the United States and any single State, who is the final and effectual umpire? What authority can decide when these disagree, and make its decision effectual? Had he stated the question fairly? Yes, he said, that question must come, and there was no going between it; no intermediate course by which it could be escaped. The constitution has established no umpire for such a case; and, when the conflict comes, the question must be decided, who is the final power to judge it? My ground is, then, said Mr. H., that this power must of necessity be vested in the Government of the United States; not in the Executive, but in the whole Government; and that it must have the power to execute its decisions, or else it is a nullity. How then did the case now stand? The power of the Government of the United States to lay imposts, it was well known, was an exclusive power. The States were prohibited the exercise of it without the assent of Congress. If the power exists at all, it is exclusive in the Government of the United States. Now, he asked, the power being granted to the United States and prohibited to the States, can the States control the exercise of it? Mr. H. went on to argue that it could not be a concurrent power. Nor could it be an alternate power, that may be exercised either by the General or the State Governments. Suppose, he said, that the United States were to arrest a man for treason, convict and hang him for resisting the laws, it would be a very useless thing for a State Government to take up the case, and determine to un-hang the man; at least, if they did, it would be of very little use to the dead man. The power, being in the Government of the United States, must be an exclusive power, the exercise of which no State had a right to obstruct. Now, said Mr. H., comes the issue. The Congress of the United States have passed certain revenue laws; they have been acted upon, adjudged to be constitutional, and have been executed by the Executive. South Carolina says they are unconstitutional, and has passed laws intended to repeal them or make them inoperative within her limits. The question, then, has arisen, shall the laws of South Carolina succeed, or those of the United States?

Passing by, for the present, the doctrine of peaceable nullification of the laws, Mr. H. said he would see if he could not understand some of the doctrines which had been advanced in regard to social and political compacts. If he understood gentlemen, their meaning was that a social compact is one which may be enforced; a political compact one which may or may not be enforced. To be a little more explicit, he must go back to his schoolboy days for an analogous distinction—that between perfect and imperfect obligations. Those who have read Vattel and Paley know that a perfect obligation must be enforced, and an imperfect obligation may or may not be performed, at pleasure. The only question to be determined is, whether the constitution of the United States be the one or the other of these. I insist, said Mr. H., upon its obligatory character, and its power of enforcing its own authority; that it is a perfect compact, a social compact, as gentlemen call it. My syllogism, then, is this: that a perfect obligation may be enforced in the manner prescribed in the compact; that the United States' constitution is a perfect obligation; and that it may, therefore, be enforced in the manner prescribed in the compact. If I do not prove all this, sir, then my doctrine must fall to the ground.

Now, sir, here is a case. The United States passed certain revenue laws, which the State of South Carolina annuls. If the United States have the power to pass the revenue laws, the nullifying laws are nullified. The minor, in this proposition, depends upon the facts and principles out of which the constitution arose. He should attempt to show, first, that the United States, at the time of adopting the constitution, had power to grant to a General Government the right of ultimate decision; second, that the States intended to do it; third, that they did it; and, fourth, that they have always since acted up to this intention. He would pledge himself to make these propositions, if he could. What is sovereignty? There is but one absolute sovereign—the Sovereign of the Universe. No State is sovereign, except in respect to other States. Every nation that governs itself, under what form soever, without dependence on a foreign power, is sovereign. Can the Government enforce obligations upon the people of this Union? When sovereignty is vested, it is vested with the right to govern the people over whom it acts. If the people disposed of a part of their sovereignty to a certain body of men, they made a grant at will, which they can resume whenever they please. The grant to a certain body of men of exclusive legislative, judicial, and executive power, is a grant at will, according to our Declaration of Independence. The power that gives the sovereignty can take it back; but where several States concur to grant a sovereignty for the common benefit, two or three of the parties cannot withdraw it without the assent of the whole. He did not care whether the States or the people made the grant.

The inquiry whether the States or the people made the grant is entirely beside the question. Suppose Great Britain made the constitution for us. The question would be, what is it? Does it vest in the United States sovereign powers, whether expressly, or by implication? That the powers given by the constitution are sovereign, there is no doubt. The powers to make peace and war, to coin money, &c. are attributes of sovereignty. Two or more States may grant to a common Government all their legislative, judicial, and executive powers. This would be a grant of their whole sovereignty. Consequently, they might grant certain defined powers, and this would be a grant of a portion of their sovereignty. Those principles by no means admit the inference that the people of a State may reserve federal sovereignty. Two or more States, then, as they have the power, may vest in a common Government the right to define its own limits. He would admit that where the majority of the people could decide, the Government would become consolidated. But that consolidation, in this case, would result in despotism, he would not admit. The federal power, so far from tending to consolidation, held the popular power in check.

This was a most happy frame of Government. The popular power held the federal power in check, and the federal power checked the popular power. He need not go beyond these walls for an illustration of this position. Can the majority of the people of the United States, without the concurrence of the States, as States, carry a measure? Certainly not. Look at the facts of the case. He would illustrate it by a few examples. Fourteen States of this Union, in population a little above one-fourth of the whole population of the United States, can defeat any measure of the House of Representatives. Thirteen States, in population somewhat below a fourth of the whole population of the United States, or even twelve States, with a population but a little above one-third of the whole, may defeat any federal law. How, then, can the popular branch carry any measure they please, and produce a consolidation of power? But this was not all. Thirteen States could always check the whole popular power in the appointment of judges, for the judges were created by the federative power. The States, too, were represented in the electoral colleges. No Government under heaven was so capable as this is of protecting the rights of the minority. If each State had an equal vote, the Government would be merely federative; and if the House of Representatives had all the legislative power, the Government would be consolidated; but it was neither federative nor consolidated. The federative in the Senate, and the popular power in the House, checked each other, and there was a third compound power in the Executive which checked both. Never was power in any Government so well balanced. Yet we are told that we must go beyond this power, to ascertain whether State rights have been violated here or not.

Having shown that the States could form just such a Government as we have, the next question was, did they design to form it? If they did not, then they deceived the people, or the people deceived themselves. What was the old confederation called? "A league of perpetual union," not a Government. The constitution was called the constitution of the United States: that is, a constitution of Government. Each State, under the old confederation, retained its sovereignty, freedom, and independence; and every power, jurisdiction, and right, which is not by the confederation expressly delegated to the United States in Congress assembled. Under the constitution, the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. The old confederation had legislative but not executive and judicial power. He appealed to gentlemen to say whether the constitution was formed for any other purpose but to create a sovereign power. It bestowed on the General Government all the attributes of sovereignty, and it begins, "We, the people of the United States, in order to form a more perfect Union," &c.

Mr. H. then compared the constitution of the United States with that of the State of South Carolina, to show that, in title, and in the clauses conferring judicial, executive, and legislative power, they bore a strong resemblance, and had the same object in view—the creation of a sovereignty. In each case, the framers seemed to think they were doing the same sort of business; making a compulsory power for the purpose of enforcing obedience to the constitution. Was it to be believed that the State constitutions were to be enforced, and the federal constitution to be observed or not, at pleasure? The constitution of South Carolina is the Government of South Carolina, and that of the United States is the Government of the United States. There is nothing in the constitution of the Uuited States which authorizes the supposition that laws made by the United States can be resisted by any other power. The presumption is, that the same power which has legislative authority has also the authority of adjudication; and that the same Government that makes the laws can alone repeal them; and, further, that even the same branch of the Government which makes can unmake a law, unless otherwise provided for. In the case of war and peace, a peace may be made by the President and two-thirds of the Senate, though, to declare war, the whole concurrent legislative authority is necessary. Ordinarily, the power that makes is the only power that can repeal a law. Would it not be an anomaly in legislation, if one power could make a law, and a portion of that power repeal it? South Carolina is but one of the family, but seeks to control the whole. Like the old lady in Dr. Franklin's story, she does not know how it happens that, in all the family quarrels, she is always right and the rest are always wrong. We have a Legislature, an Executive, and a Supreme Court; all exercising supreme authority. If we had need of more positive proof that these powers are supreme, we have it in the fact that all State officers are sworn to support them, and the State judges are bound thereby, in contravention of State laws and constitutions. Every judge in South Carolina must swear this, notwithstanding the ordinance. The design of the framers of the constitution was to make a common sovereignty, as we find by looking back to their correspondence. Under the confederation, the States were *pares*, and there was no power to compel a refractory State to obey the laws of the Union. Their whole object was to get this compulsory power. Every thing else was right, except the means of protecting the common interests.

The design of the great founder of our Government was apparent from a letter to a friend in Great Britain, in which he says, "they (the people) see the necessity of a general controlling power, and are addressing their respective Assemblies to grant it to Congress." Again he says, "I do not see that we can long exist as a nation, without lodging somewhere a power which will pervade the whole Union, in as energetic a manner as the authority of the State Governments extends over the several States." We see that he believed this controlling power to be essential to the preservation of our independence.

Having considered, continued Mr. H., whether this power could be and was intended to be granted, it remained with him to inquire next, whether, in fact, it was granted. This was a constitutional Government, and, therefore, it was sovereign as far as to all powers delegated to it. This was the general understanding of the people; and the idea of nullification and reserved rights was almost every where ridiculed by them. In a Tennessee newspaper he had seen a story which he would relate. A law of that State respecting marriage, required the publication of the banns some time previous to the marriage. The time appeared, too, very long to one individual, and he determined to oppose the law and set himself down on his reserved rights. The law did not prohibit marriage, which would be flatly unconstitutional, but it delayed it, and therefore was in a measure unconstitutional. He accordingly nullified and disobeyed the law. If we refer to the powers granted to the Federal Government, we shall be satisfied that they have all the essential attributes of sovereignty: they were the powers of taxation, war, treaties, coin, commerce, domain, allegiance, (viz. treason,) and naturalization.

What attribute of sovereignty was more essential than the right, in some manner, to determine definitively and effectually its own limits? The Senator from Kentucky [Mr. BIBB] said, as he understood him, (he was sorry that he was not present to say whether correctly or not,) that the Supreme Court could judge only in judicial cases, and not in political cases. But were not controversies between States political cases?

The judicial power extends to all cases in law, arising, &c., and the cases are described; one case mentioned is that of controversies between States. A sovereign State, it is said, must not be drawn to the feet of the Federal Government; but in a case involving political power, the Supreme Court must adjudicate upon it. What case controverted between States was not a political case, except those merely of *meum* and *tuum*? Questions arising relative to foreign ambassadors are also political cases.

The power might be humbling to the pride of the States, but it was essential to the General Government, and was intended to be given by the framers. The large and proud States might seek, with more confidence than the smaller and weaker States, to destroy this power. How would Rhode Island and Delaware fare if the General Government could not protect their rights in controversies with more powerful neighbors? He should think that no small State would ever consent to this doctrine.

No, sir, it is the rock of their political salvation. He would warn them to cling to it. Whenever the judiciary should be deprived of the power of deciding controversies between the United States and a State, the great States would eat up the little ones; gentlemen might depend upon it. All the quarrels between the General Government and the United States had originated with the large States. The State of Virginia, in 1798, passed her famous resolutions, going a great length; a little too far; travelling in the road of nullification. What did Massachusetts say on that occasion? [Here Mr. H. read the resolutions passed by the State of Massachusetts relating to the proceedings of Virginia.]

Pennsylvania had a dispute with the General Government on the subject of the Olmstead case. Well, Pennsylvania is a large State; she kicked up her heels, and there was an application made to the military power. Gen. Bright,

> "———With his ten thousand men,
> "March'd up the hill, and then march'd down again."

The marshal very peaceably executed his precepts. Then that State applied to the other States, saying that there must be some other tribunal to decide cases of this description, instead of the federal court. Virginia replied that the United States Supreme Court was the constituted tribunal, and that no better could be found. How did Massachusetts act during the time that the embargo law was in force? She was for declaring the law unconstitutional, and really did so. Pennsylvania and Virginia joined in that opinion. The large States were always troublesome to manage. They would wax faint and kick.

It was believed by the framers of the constitution that there would be some danger of the larger States imposing upon the smaller, and therefore made it a *sine qua non* that in the Senate each State should be represented equally. What would New Jersey do in a controversy with New York? Though she might have with her talents such as we had seen exhibited here in this debate, she would be obliged to yield. If there were no supreme tribunal, the rich and powerful States would oppress the smaller, who would stand no chance with them. The large ones would eat up the small ones. How would it be with respect to Delaware and Pennsylvania if there was no common tribunal? Little Delaware would fight hard, but in vain. How would it be with Rhode Island and Massachusetts? The small State would be obliged to yield to the large one.

The Senator from Kentucky [Mr. BIBB] had said that no process could be devised to compel a sovereign State to yield to the judgment given in favor of another sovereign State. He thought he was lawyer enough to devise a process to make Massachusetts come into court and answer to Rhode Island. [Here Mr. H. named the various processes that would be necessary to effect that object.] Yes, he could put the little State of Rhode Island in such a position, that, if Massachusetts were to attempt to disturb her, she might double her fist and say, "Touch me if you dare!" In giving this great power, he admitted there is much danger, but not so much as may appear at first sight.

The power must be vested somewhere, and where else can it be vested? If we give any power at all, we must give as much as is given in this bill. It was a high-handed power, he admitted, but not more high-handed than the power assumed by a State to nullify the laws of the Federal Government. Legislative power was not in so much danger of being abused as was power vested in the hands of the Executive. This bill gave to the President all the power which the circumstances exacted, but it gave him no more. He was never too much disposed to give power to a President, and to this President he would not give it quite so soon as he would to any other. The remedy against the abuse of power was here; and the construction of the Government itself. The House of Representatives is only elected for two years, when they must be accountable to their constituents. Senators are elected for six years, when they must answer to their States for the share they have taken in the federal administration. In both branches there is an equal responsibility to the body politic. The President himself is also responsible to the people, acting through their representatives; and in consequence of these securities, the danger of the abuse of power was very much diminished. After all, if a State conceived itself to be injured by any abuse of power, it had the right to appeal to the good sense of the community, and could apply for an amendment of the constitution. Then, after that, came the last remedy—revolution. If the whole people were so depraved, so corrupt, and so bent on oppression, that there was no hope of any redress, then the only remedy was revolution. But the gentleman from Kentucky had put an extreme case, a case which was not even to be supposed; one which the framers of the constitution never had contemplated; but still, if such case should ever occur, then the remedy must be revolution. It had been said there was danger to be apprehended from the investment of this power in the hands of the Executive. But it appeared to him that when the gentlemen who made this observation were stickling against giving the President these powers, after what they had done in former instances, they were straining at a gnat and swallowing a camel.

If the people made the constitution, or if they adopted it, the secession of a State was, in his opinion, impossible, because the laws of the United States, made under that constitution, are binding on every citizen of every State. All owe allegiance to the United States. How was it possible for an individual to go off, to secede? He might go and expatriate himself, but he could not go off, and yet remain in the Union; he could not remain within the jurisdiction of the United States, and yet be out of the operation of the federal power. He might go away from the shores of the United States, but he could not otherwise secede. And the States stood in the same condition. Both States and individuals stood on the same ground. If he was not right in his conviction that the ultimate determination of power was in the United States, he would ask—where is it? It is somewhere. Where? If there be no power any where, why then it existed nowhere, and the question could not be decided. The gentleman from Kentucky insisted that the power did not exist, although it was right before his eyes. It was a common thing for a man to assume his conclusions first, and to look for his premises afterwards. But it must have been hard work for the gentleman to deny the existence of a power which was staring him in the face. There are sectarians of all kinds, who lay down their conclusions first, and then look about for their premises to sustain them. There was a preacher of that kind in his section of the country, who would always begin with his conclusions, and work up to his premises. On one occasion he took for his text a sentence of Thomas, and endeavored to expound it on his old principle. He labored on for some time, becoming more and more perplexed as he proceeded, and concluding in the midst of mist and confusion, leaving his congregation about as ignorant of his meaning as he himself was. One of his auditors, after the conclusion of his sermon, took occasion to speak to him, and to suggest that he seemed to have boggled a little in his discourse, and was not quite so lucid as usual. Why, said he, I thought I had made a very excellent argument, a very good argument, indeed, from my text; but between you and me, I would rather Thomas had never said it. So it was, he presumed, with the gentleman from Kentucky: that gentleman was so perplexed by the reading of the constitution, that he wished the constitution had never said it.

Suppose that the Federal Government were to permit South Carolina to carry her point, and to have things just as she desired. The principle being extended thus far, where would the Government stop? South Carolina, he would suppose, had made her regulations to admit goods into her ports without the payment of duty. In reference to commercial advantage, this would at once destroy the equality between the States. South Carolina would exclusively enjoy the benefit of this regulation, to the injury of all the others. On this principle any State may nullify the laws of the Union. Suppose that Rhode Island had adopted a provision that no law of the United States which did not adopt the principle of the protective system should be considered as constitutional, on the ground that the principle of protection is recognised by the constitution. She has the same right as South Carolina to adopt nullification. And suppose that South Carolina should declare that no law should be constitutional which adopted the principle of protection. These conflicting opinions of the States would place the Federal Government in a position where its action is sure to be wrong. If a law should be passed to protect goods, South Carolina would oppose it. If any such law should be repealed, the repeal would be opposed in Rhode Island. Each State would seat herself on her reserved rights, and would set the laws of the General Government at defiance. So, if the State of Mississippi should take it into her head to seat herself on her reserved rights in reference to the freedom of the navigation of the Mississippi, she might defy the United States with the same propriety. Suppose that Indiana was to adopt the principle that had been already by some, that she had an exclusive right to the public lands within her limits; and, acting on that opinion, was to pass a law declaring that none of the titles granted by the United States Government were good. She, seating herself on her reserved rights, might also cause some trouble and confusion.

Again: suppose that the State of Maine should assert that all the fisheries on her coast belong exclusively to her, and that the vessels of no other State have a right to fish there; and, further, that the State of Pennsylvania should insist, that by the laws of nature and of God, every man is entitled to the privilege of freedom, and that no law, no provision of the constitution of the United States, could sanction slavery, and should proceed accordingly to oppose the laws on this subject. He (Mr. H.) would ask gentlemen to apply this doctrine that a State can decide for itself, and nullify a law of Congress and the constitution, and leave them to say in what a situation they would find themselves. It was not his intention to disturb that delicate question, nor to provoke any discussion from gentlemen whose situation rendered them so sensitive on the subject.

If, indeed, we were not to hold together, he would ask in what condition the slave-holding States would be? It is not a very easy thing to prove that a State has a right to judge for itself how far it is bound to obedience, and that, on the contrary, individuals have not that right: two cases running parallel to each other. Was he (Mr. H.) to reason himself into the belief that he, as a community belonging to one State, had a right to resist laws which others obeyed, and, judging for himself, place himself upon his reserved rights? And suppose that a class of individuals should be found carrying out this idea to a still more awful extent, it might be productive of effects at which he did not dare to glance. They would be most horrific, but not so horrific as the idea that this constitution should be broken up at the will of any one of the States. What, he would ask, had been our construction of the constitution? He had endeavored to show, in the first place, that the people of the States could form a constitution, and give to the States sufficient power; 2dly, that they so designed; and, 3dly, that they had done it.

He would now ask what had been the opinions of the large States as to the powers of the General Government? At the very first session of the first Congress this power was assumed in the great judiciary bill for a final determination of all questions between the United States and a State. The 25th section of that bill had been a standing law through all the different administrations of the Government. It was passed in the Senate by a vote of 14 to 6—South Carolina voting unanimously in its favor; and it passed the House of Representatives without a division. No attempt was made during the whole discussion of that bill to strike out the 25th section of it, which has been a standing law ever since. It was considered as the sheet anchor of the constitution, that which was to hold us together eventually through all the storms of politics which might occur. Virginia, Pennsylvania, and Massachusetts failed in their powerful attempts to resist the constitutionality of this section. Why had not the section been repealed, if it was so unconstitutional? Congress dared not repeal it, for the repeal of that section would break up the Union.

It had been asked what was the necessity for this bill? What had South Carolina done? He could only answer that she had done this, she had done nothing more than to repeal our laws, and to make it highly criminal to execute them. She had repealed them in many points, as he showed by a reference to her acts, and she had also done a few other things. She had raised an army to carry on a contest against the United States. This was easily shown. She had raised an army to enforce the execution of her own laws, which have repealed the laws of the United States; and, in doing this, had she not raised an army to carry on a contest with the United States? It was a direct aggression. He would adapt the law precisely to meet the case. The State of South Carolina would have no good reason to complain if the penalties prescribed by the laws of the United States for violating their laws were no greater than those which she has enacted for a violation of hers. There could be no great cruelty in this course. Mr. H. then read the fines and penalties imposed by the acts of South Carolina. He stated that the General Government was, by the provisions of these laws, placed in a situation where she was obliged to legislate so as to meet the whole case.

The gentleman from Kentucky said that the Federal Government had been unjust to South Carolina. This word brought up the whole question. He was not disposed to do injustice to any one, nor did he believe there was any ground for the declaration that there had been any thing unjust done to South Carolina. We had also been told by the same gentleman that we must forgive as we hope to be ourselves forgiven. But it ought to be remembered that forgiveness must be preceded by repentance. Now South Carolina, instead of exhibiting any signs of repentance, had set herself in array against the United States. And the Federal Government would set a bad example to the other States, if, without repentance on the part of South Carolina, they must forgive this hostility. As the case now stands, the whole conciliation must come from one side.

Sir, I have done, continued Mr. H. [looking on the portrait of Washington, at the left of the door.] That portrait ought not to be here; it is a cruel admonition upon us, who have rejected his counsels and disregarded his precepts. It was, you recollect, difficult to gain it admission. You first placed it over the clock yonder; there it was looking down upon revolving time; it was pale, languishing, and I thought it wept. It seemed to be reflecting upon the changes of the last thirty years. It was removed, and placed over the President's chair; still it cast a melancholy look at the clock. At length you have shoved it away to the left. I don't complain—a fit emblem of our abandonment of his principles. Look! his lips appear to move, and he seems to say what he once before said—

"The unity of Government, which constitutes you one people, is also dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your honor abroad; of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken, in your minds, the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

And further to add:—O my children! was it for this I endured the privations, sufferings, and dangers, which gave you national existence? Was it for this, that I watched over your infant days with a parent's solicitude? Was it for this, I marked your growth to manhood with a parent's partiality? Oh, what a fatal lesson have you given to the friends of liberty and humanity throughout the world! Sir, I, who have flitted like the bird from spray to spray, sometimes laughing, sometimes weeping, sometimes playing with the flowers of fancy, and now and then reasoning, must wind off at last somewhat "in the glooms." I cannot endure the reflection that this fair and perfect fabric of human wisdom, so fair and perfect that we would almost say "the hand that made it is divine," should so soon dissolve, and, "like the baseless fabric of a vision, leave not a wreck behind." The thought is horrific! Can it be? I cannot give it up; I will nourish and cherish it, as a friend on his bed of death. I will watch its departing spirit with the most anxious solicitude, and, if I can, will lure it back to life; and after it is finally gone, I will observe its remains, and cast a longing, lingering look on each form and feature; impress them upon my heart, and stamp them upon the tablet of my memory; and I would cherish them as the memory of joys that are past, "pleasant and painful to the soul." No, sir, I will not despair; I will hope even against hope. Why should I distrust a kind and benignant Providence who planted us here, and has reared us up to what we are? I will believe that He who has so often made bare his arm in defence of the infant liberties of our country will pardon and protect us still; that He who has so long held these stars in his own right hand, and walked so long in the midst of these his golden candlesticks, will be our "cloud by day and pillar of fire by night," to guide and direct us in the path of constitutional freedom.

Mr. TYLER then obtained the floor, but gave way to **Mr. BROWN**, who explained, that he had never denied the constitutionality of the 25th section, nor defended nullification.

Adjourned.

WEDNESDAY, FEBRUARY 6.

PRESIDENTIAL ELECTION.

Mr. GRUNDY, from the joint committee appointed to ascertain and report the mode of examining the votes for President and Vice President of the United States, reported a resolution, fixing on Wednesday next as the day for counting the votes, when the Senate will attend the House for the purpose of witnessing the examination of the votes. The hour appointed for the proceedings is 1 o'clock. The resolution was agreed to.

HOUR FOR THE SPECIAL ORDER.

The resolution offered yesterday by Mr. WILKINS, to change the hour for calling the special order from one o'clock to twelve o'clock every day being taken up,

Mr. SMITH opposed the resolution, because it would preclude the possibility of acting on many private bills of great importance to individuals.

Mr. WILKINS said, his reason for offering the motion was obvious. The bill standing as a special order was by far the most important bill of the session, and his object was to gain an hour in the morning, as almost every Senator would be anxious to deliver his sentiments.

Mr. GRUNDY seconded the views of the Senator from Pennsylvania. He saw no hope of getting through the debate on this bill, unless the motion should be adopted, before the end of the next week.

Mr. SMITH moved to lay the resolution on the table.

Mr. WILKINS asked for the yeas and nays, which were ordered, and stood as follows:

YEAS.—Messrs. Bibb, Chambers, Clay, Clayton, Foot, Forsyth, King, Miller, Moore, Smith, Tyler,—11.

NAYS.—Messrs. Bell, Black, Brown, Buckner, Dallas, Ewing, Grundy, Hendricks, Hill, Holmes, Kane, Knight, Naudain, Robbins, Robinson, Ruggles, Sprague, Tipton, White, Wilkins, Wright.—21.

The resolution was then agreed to.

CUMBERLAND ROAD.

Mr. BUCKNER then moved to take up the bill for the continuation of the Cumberland road from Vandalia to Jefferson; which was agreed to—Yeas 15, nays 10:

The question being on a motion by Mr. BENTON, to amend, by inserting the words, "to provide for the further extension of the road to the mouth of the Kansas river."

The yeas and nays being ordered, the question was taken, and decided in the negative—Yeas 9, nays 20.

Mr. SMITH then moved to strike out the words "Jefferson," &c. and to insert the words "to some point in the State of Missouri."

The amendment was opposed by Mr. BUCKNER and Mr. HENDRICKS, and was finally rejected.

The bill was then reported without amendment. The yeas and nays were then ordered on the engrossment of the bill, and the question being taken, it was decided as follows:

YEAS.—Messrs. Benton, Buckner, Chambers, Clay, Dallas, Ewing, Hendricks, Holmes, Johnston, Kane, Poindexter, Robbins, Robinson, Ruggles, Sprague, Tipton, Tomlinson, Wilkins.—18.

NAYS.—Messrs. Bell, Bibb, Brown, Foot, Forsyth, Hill, King, Knight, Miller, Moore, Naudain, Prentiss, Rives, Smith, Tyler, White.—16.

So the bill was ordered to be engrossed for a third reading.

LOUISVILLE AND PORTLAND CANAL.

The Senate then proceeded to consider the bill to authorize the purchase of the private stock in the Louisville and Portland Canal.

Mr. HENDRICKS gave an exposition, at some length, of the views which operated on the committee, and induced them to report the bill.

Some debate took place, in which Mr. SMITH, Mr. DALLAS, and Mr. POINDEXTER took part; when, on motion of Mr. SMITH, the bill was laid on the table for the present.

REVENUE COLLECTION BILL.

The Senate then proceeded to consider the bill to provide further for the collection of the duties on imports.

Mr. TYLER began by saying that many of his friends here had advised him to remain silent on this occasion. He duly appreciated the feelings which governed them. He well knew the situation in which he stood both here and elsewhere. He knew that he had formidable opponents to encounter; that the slightest expression, although uttered "trippingly on the tongue," was but too apt to be turned to his disadvantage, and might, in the end, prove fatal to his interests. He had, however, resolved to pursue the path of duty, and, disregarding all personal considerations, to step forward the advocate of the political doctrines, to the maintenance of which his life had been devoted. He might be called rash and precipitate. Be it so, said Mr. T.; I came into political life the advocate of certain great principles, which I cannot and will not abandon; and if those principles were to be yielded, I should take my departure from the Senate with only one regret, which would be, that my State should have surrendered the position she had always maintained, and relinquished those doctrines, on the maintenance of which I believe the safety, the liberty, and enduring happiness of the country mainly depended. If I could hesitate as to my course, now that the storm is raging, the battlements rocking, and our institutions trembling to their foundations, I should be derelict to my highest duty, and recreant to the great trust confided to me. Under these circumstances, "the dust of the *mêlée* must be the breath of my nostrils."

I shall enter upon the task before me, by remarking, that, through all time, and in all countries, and under every form of Government, there had existed two great parties; the one advocating unlimited power in Government; the other jealous of power, and watchful of its aberrations or excesses. All history verified this remark; no matter what the form of Government. No matter how despotic or tyrannical, the despot has his flatterers; the tyranny has its supporters, and the bloody sceptre its agents and worshippers. The throne is looked upon as an object of idolatry, and the monarch regarded as the immediate vicegerent of the Almighty, to touch a hair of whose head is sacrilege against the Lord's anointed. That other party, which has the boldness to maintain popular rights, is most commonly the weakest; it has fearful odds to encounter. The power of Government; its splendor, which is but too apt to dazzle the eye and mislead the judgment; its patronage—all constitute formidable and almost unconquerable opponents. But there is another almost as great; its prevalence is felt particularly with an agricultural community, the *vis inertiæ* of mankind; that disposition for tranquillity and repose which is often not overcome until the hour for action has passed; and it but too often happens that, when the slumber is broken, the chains are so riveted, and the limbs so manacled, that all hope of effectual resistance has vanished.

It is not a matter of astonishment that these pernicious influences should have exerted their sway in our own favored land. We felt the influence of this division of parties during the revolutionary war. We had then the whig party and the tory party. The tory had fixed his gaze on the English diadem, and was dazzled and blinded by the rays which issued from it. He thought only of the power which had protected the colonies in their infancy.

He venerated the land in whose bosom reposed the remains of his ancestors, and regarded the Government of Great Britain as standing out from amidst the Governments of the world, the most free and the strongest. These feelings and these ties made the tories of the revolution. For one, I am willing to concede, that, however misguided, many of them acted under their strongest conceptions of duty. They had been taught from their infancy to chaunt "God save the King," and to celebrate, by festivals, the birthday of their sovereign. For my part, I can find in my heart a grain of charity even towards these misguided men.

When it became necessary to form constitutions for the respective States, we find that there were many who sought to make Government strong; to impart to it energy, in order to keep it from being destroyed by those for whose exclusive benefit it was formed; without recollecting that man, when invested with authority, is the most dangerous animal to his species. When I reflect upon the course of human affairs, the unhappy influences which are felt under all Governments, and under all systems, I am almost led to doubt whether nations are capable of profiting by experience. The past has existed in vain. History displays its page, but the blood upon it frightens not. Governments have flourished and decayed, and yet the monitory lessons which they teach us are utterly forgotten.

I pass on to the consideration of the state of parties which existed in the convention which formed the present Government of the United States. In that convention there were three parties; at the head of one stood Alexander Hamilton; the second was composed of the deputies from the large States; and the middle-sized and small States composed the third, who did not agree with the Senator from Maine, [Mr. Holmes,] but saw the necessity of giving a federal character to the Government, or, more properly, of preserving that character, without which the small States would be crushed, or become but tributaries to the large ones. Every body knew that Alexander Hamilton was the advocate of a monarchical Government. He proposed a Governor for life, seeking to recommend his system by the use of titles, with which the people were familiar, and a Senate for life. He had no hesitation in avowing his belief that the British Government formed a model worthy of all acceptation, and, to use his own language, "the necessity of establishing a Government which would annihilate the State distinctions and State operations." I do not wish to be considered as speaking in reproach of the memory of that great man, who, during his day, was the idol of the then predominant party, and whose political opinions are still considered as the shibboleth of the true faith. For vigor of intellect, he had no superior. I believe that his purposes were all honest; and, for the boldness of his determination in the pursuit of his objects, his name is proverbial. I speak only of his acts, avouched as they are by the journals of the convention. It is not necessary to add that his scheme met with but few supporters, and that he and they promptly threw themselves into the ranks of the second party, which advocated a Government almost as strong, and equally destructive "of State distinctions and State operations"—the national party. At the head of that party, or among its most prominent members, stood the late Edmund Randolph, of Virginia. I knew him well, sir. He had for a short time the direction of my studies, before I attained the period of manhood. I cannot, then, entertain feelings of disrespect to his memory, or be capable of manifesting any unkindness towards him. I would not disturb the ashes of the dead, even if I could. Edmund Randolph at that time occupied a large space in the public eye. He was a prominent man, not only in the legal profession, but in the political world. He ranked among the first advocates of his day, and stood high in the public councils; but, so far as the evidences of his political opinions have come down to us, I am not prepared to admire him as a politician. He proposed a supreme national Government, with a supreme Executive, a supreme Legislature, and a supreme Judiciary, and a power in Congress to veto State laws.

Mr. Madison, I believe, sir, was also an advocate of this plan of Government. If I fall into error upon this point, I can easily be put right. The design of this plan, it is obvious, was to render the States nothing more than the provinces of a great Government, to rear upon the ruins of the old confederacy a consolidated Government, one and indivisible. This plan held the ascendancy for a time. The large States were its advocates. New York gave a divided vote; one of her members saw but darkly her immense resources which were sooner or later to be developed, and which were to entitle her to the appellation of the Empire State; the other either did not look through the vista into futurity, or reasoned more wisely than his colleague, that the promised advantages to the large States were altogether illusory and deceptive. He probably foresaw that the weak would combine against the strong, and often succeed in binding her in the chains of their policy. The nationals shared the fate of the monarchists, and, in the end, were entirely routed, their scheme annihilated, and their party overthrown. To Delaware, a small spot, then, as now, on the broad face of the Union, but exercising then, as now, the influence which talents of the highest order never fails to insure, we are indebted for the Federal Government under which we live. I pay her this encomium most willingly; for I consider our frame of Government the happiest that can be devised, and, if properly administered, destined to elevate us to a height of prosperity which no other people have ever attained. Mr. Dickinson seems first to have taken a stand in favor of a Federal Government. He required the deputies to look at their instructions. He asked them if they were authorized to vote for a monarchical Government, or for a supreme national Government, which would trample down and ride over the prostrate States? No, they had been sent there to revise the articles of the old confederation; to infuse more ardor and vigor into the federal system; to breathe into it new life, and to impart to it a new soul; to do all this, and not to make war upon its very existence and being. If the operations of Government are paralyzed, apply the proper stimulus to produce a healthful action; if you want a Supreme Court, create one to carry every constitutional provision of law into effect; if the requisitions made upon the several States of the confederacy for their respective quotas are disregarded, apply a remedy to the evil; if you want money for the just expenses of the Government, collect the taxes. Do all things necessary to give renewed life and vitality to the confederation of these States, but go no further. Revise, but do not change the articles of our copartnership. Let us have no monarchical or national Government. I make a similar requisition upon Senators now. The attempt is now made to do that very thing which was scouted out of the convention—to convert this Government into a consolidated national Government—from a league among States, which its term imports, into the Government of a single nation. I will not fatigue the Senate and exhaust myself by reading those instructions. I will content myself with saying that they, each and all, required the formation of a federal Union by an improvement of the old articles of confederation. These instructions constitute the source, the very head-spring from which this Government has flowed, and bring into bold relief its true theory and principles.

The old confederacy had been spoken of as possessing no power: the contrary was the fact; its powers were large and extensive: to declare war; to make peace; to form alliances; to make treaties; and the Congress, under it, possessed many of the most important powers now exercised by the Supreme Court. Many of the provisions of the present constitution were taken, almost *totidem verbis*, from the articles of confederation. The Senators from Maine and New Jersey [Messrs. HOLMES and FRELINGHUYSEN] lay great stress upon the phrase "we, the people;" but the objects specified in the clause commencing with those words are the same which were stated in the articles of confederation—"the common defence, the security of liberty, and of the mutual and general welfare." Why, sir, they are almost the very words of the constitution. I recommend it to Senators to take up those old articles, and deliberately compare them with the provisions of the present constitution. If you will do so, we shall hear no more of the confederacy not being a Government. Sir, it carried us through the revolutionary war, that darkest period in our history, with the exception of the present. The truth is, this Government is but an improvement upon that. There every thing was concentred in Congress; it constituted the executive, legislative, and judiciary tribunal. By this constitution those powers are now more wisely distributed among the departments. That Government had no power to lay and collect a revenue for the purpose of carrying on its operations; to this, that power is given. Under that, there was but one legislative branch; here, you have two. This Government is but a superstructure erected upon the old confederacy, possessing more beauty of proportion, more harmony of design, and demanding of foreign nations more confidence and respect. Let us learn to admire the beautiful system under which we live, and not seek to convert it into what it is not. Every thing, Mr. President, is running into nationality. You cannot walk along the streets without seeing the word on almost every sign—national hotel, national boot-black, national blacksmith, national oyster-house. (Mr. MANGUM, in an under tone, "The newspapers."—Mr. T. "I let them alone, no man gets any thing by intermeddling with them.") The Government was created by the States, is amendable by the States, is preserved by the States, and may be destroyed by the States; and yet we are told that it is not a Government of the States. But the Senator from New Jersey [Mr. FRELINGHUYSEN] will have it that it was ratified by the people, and loudly proclaims it to be the people's Government. I ask, by what people? Why, by the people of the States. If it had been intended to collect the sense of a majority of all the people inhabiting the States, the most unfortunate mode of accomplishing that was devised that could have been thought of. The small States of Rhode Island and Delaware had a voice equally potential with the large States of Massachusetts and Virginia; and by the mode adopted, a minority might have palmed the constitution on a majority. I probably hazard but little in saying, that four of the largest States, viz. Massachusetts as she then was, New York, Pennsylvania, and Virginia, contained a majority of the population of the then thirteen States; and yet the ratification of nine States, with a minority of people, might have adopted the constitution over the heads and against the wishes of a decided majority. No, sir, no such design entered into the contemplation of those who formed the Government. Each State decided the question of adoption or rejection for itself. Little Rhode Island threw herself upon her sovereignty, and for some time refused her assent and ratification. I do not underrate the importance of this State because it is of small size. I feel an interest in seeing its rights preserved and asserted. I was the other day much gratified when the Senator farthest from me [Mr. KNIGHT] presented to the Senate an official paper from the Executive of that State, (the credentials of Mr. ROBBINS.) The paper was authenticated by the "governor, captain-general, and commander-in-chief of the land and naval forces of the State of Rhode Island and Providence Plantations." These titles sound gratefully to my ears. They are the only titles worth preserving; all others are idle gewgaws. Yes, sir; let "the governor, captain-general and commander-in-chief of the State of Rhode Island and Providence Plantations" still preserve both the title and power given him by a sovereign State. I would respectfully ask the gentleman to draw a picture; I will permit him to do so from the resources of his imagination, and those I acknowledge to be abundant. Will he embody forth a State without people? The humorous author of Don Quixotte might do it, and Squire Sancho might revel in the fancied delights of an exalted sway. For my own part, I can form no idea, even the most indistinct, of such a shadowy and spectral existence. A State without people! Why, gentlemen might as well talk of a State without land. The very terms employed in the constitution indicated the true character of the Government. The terms "we, the people of the United States" means nothing more or less than "we, the people of the States united."

The pernicious doctrine that this a national and not a federal Government, has received countenance from the late proclamation and message of the President. The people are regarded as one mass, and the States as constituting one nation. I desire to know when this chemical process occurred? When were the States welded together into one mass? Was it before or since the revolution? At what time was Virginia fused into an integral mass with the other States? Was it when she set herself up in opposition to Cromwell, and refused to recognise the commonwealth; asserted her independence of the Protector's Government; declared that the ligament which bound her to England was a ligament which bound her to the crown of England, and that when the head which wore that crown was severed from the body, the tie of her allegiance was also broken? Or was it at the accession of Charles the Second, when she renewed her allegiance by and through a resolution of her House of Burgesses? She then acquired that title which she has borne ever since, "the dominion of Virginia." Or did it occur at a later period? Was it in 1775, when she adopted her State constitution, and exercised complete and sovereign power? Or did it occur when the colonies then became free, sovereign, and independent States; united their common energies and resources to make good their declaration of independence? This position would prove too much: it would go to the extent of proving that France was also amalgamated with the States. She was a party to that war; a most efficient party. She spared neither her treasure nor her blood. Her chivalric sons aided ours in upbearing the flag of freedom. The idea is idle—I had almost said absurd—to attempt to deduce from such a source the doctrine that the States formed one mass, one nation. Why, sir, sovereigns may form a league for war, or any other purpose; that league may be more or less intimate according to its terms; a league to preserve perpetual amity for the advancement of the happiness and welfare of all; the conditions are all subject to the will of the parties.

The conclusion to which this false assumption leads is, that all sovereignty is vested in this Government. And yet it is but a creature of the States—an emanation of their will. It would, with as much force, be contended that an ambassador was a sovereign. The ambassador is bound by his instructions, and are not we? The moment he exceeds his instructions, his power is annulled. The constitution contains our instructions, and, when we exceed our power, we are guilty of a breach of trust, and are responsible to our masters. What sort of sovereignty is this? If we had Hobbes, with his doctrine, that Kings reign by divine right, and are the Lord's anointed, to help us to a source for the sovereignty of this Government, we should still be puzzled to find it. Who created you a Government? You hold your existence at the pleasure of these States, and yet are sovereign over them. They may strike you out of existence by a word; demolish the constitution, and scatter its fragments to the winds; and yet this Government, the breath of their nostrils, dares proclaim itself the only sovereign, and declares the sovereignty of the States a mere nonentity. For my part, I utterly renounce this doctrine. It is not only untrue and illogical, but anti-American. The great American idea was, and is, that sovereignty resides alone with the people, and that public servants are but their agents.

If the Government was not sovereign, it would be difficult to conceive how allegiance could be due to it; for allegiance was only due to sovereignty. There could be no allegiance without citizens; and I should like to know how any one could be a citizen of this Government. I have never seen such a citizen. If there be any such being, I should like to look upon him. I am a citizen of Virginia, and I find in the constitution a provision, that, when I wend my way to New York or any other State, I should become not a citizen of New York or such other State, but entitled "to all the privileges and immunities" of the citizens of that State. If a Marylander comes to Virginia pending an election, he cannot vote, or be returned to the Legislature, because he possesses not the requisites, according to the constitution of that State, in reference to her own citizens. He may hold lands and may alienate his lands, because that is a provision in favor of the citizen; but if the Legislature should enact a law forbidding the alienation of lands, such law would be a rule binding upon the citizens of every other State in the Union holding lands within her borders. The true state of the case is this: It is because I owe allegiance to the State of Virginia, that I owe obedience to the laws of this Government. My State requires me to render such obedience. She has entered into a compact, which, while it continues, is binding on all her people. So would it be if she had formed a treaty with a foreign power. I should be bound to obey the stipulations of such treaty, because she willed it. To this conclusion we must come at last. It is because I owe allegiance there, that I owe obedience here. It is universally admitted that allegiance and protection are reciprocal. I would ask, who protects my rights of person and of property? Who secures me from the prowling thief and assassin's dagger? Is it the Federal Government? No, sir, it is my own State, whose laws surround me like the air, unseen, unfelt, but protect me as with a shield of adamant. What protection does this Government afford me? When I go upon the ocean, the great and common highway of nations, your maritime jurisdiction is with me. I am not on the soil of my State, but I am still protected by her agency and through her means; for it is by reason of the compact she has made with her co-States, that the power of all is over me. She stipulates for the protection of her citizens under such circumstances, and binds herself to aid in affording protection to the citizens of other States under similar circumstances. The mode in which such protection shall be afforded, and the agents to be employed for accomplishing it, are designated by the compact into which she has entered.

The opposite inference which is attempted to be drawn from the mere fact that this Government may punish treason, is, in my opinion, wholly fallacious. Treason against the United States consists "in waging war against them, and giving aid and comfort to their enemies;" war is levied against the United States, or aid is given to their enemies. Now let me put a case. Suppose this feature had not been introduced into the constitution; was it not evident that there would have existed no power to punish the offence designated? would any one State have had a right to punish it? If a citizen of the State of Massachusetts had gone into foreign parts, raised forces, and made a descent upon Virginia, Massachusetts could not have punished the offence, and Virginia could only have regarded the aggressor in the light of an enemy, piratical, predatory, if you please, sir, but still an enemy. No law of treason could have covered the case. The concession of this power by the States was indispensably necessary to the preservation of each, and, by necessary inference, the preservation of the Union. Power to punish this offence is then given, and properly given. But it produces no transfer of allegiance, no more than a right to punish piracy on the high seas. But can this Government punish treason against a State? Suppose a minority oppose the authorities of a State Government; this may or may not be treason against the State, according to its laws; but, as to this Government, it is an insurrection, which, upon demand made by the constituted authorities of the State, it is bound to assist in suppressing. Treason is as well punishable by a State as by this Government; and if the argument proves any thing, it establishes the conclusion, that the State is invested with all the attributes of sovereignty, and that this Government is also invested with complete sovereignty; which leaves the argument in no better condition than we found it; in other words, makes it no argument at all. I think, Mr. President, that it would puzzle the powers of logic, (and I am well aware that I shall be followed by able logicians in this debate,) to prove that a State can commit treason. Against whom can she commit treason? Against the United States? She happens to be one of them; and I take it, that it would be rather difficult to show how she could commit treason against herself.

This amalgamating doctrine is followed out into most singular consequences. Sir, it is said that I do not represent on this floor the State of Virginia, but the United States. Strange hallucination! This I must consider as vital in its consequences. It brings into question the great right of instructions; for if it be true, the State of Delaware has as full and absolute control over my actions as the State of Virginia. No, sir, I repudiate this doctrine; I owe no responsibility, politically speaking, elsewhere than to my State. And if any Senator from that State should dare oppose her instructions, I might say, with perfect confidence, to quote the remarks of one of her most gifted sons, that "if he would not be instructed in his seat, he would very soon be instructed out of it." This doctrine is founded in a gross misconception of the nature and character of our institutions.

I am bound, as the representative of Virginia, to advance the interests of the whole Union, because, by doing so, I elevate her interests; to do justice to all, because she requires it at my hands; to resist every effort to inflict injury upon any, because I am instructed by her motto, "*sic semper tyrannis*," to avoid injustice and to detest tyranny and oppression; to oppose all laws which are of a dangerous tendency, however small the minority in which I may stand, urged on and encouraged in that course by the moral to be found in that other motto to which she clings, "*perseverando.*" By pursuing these instructions I fulfil her wishes, and contribute all that in me lies to the advancement of the happiness and prosperity of these United States.

Gentlemen might say what they pleased, but such doctrines would convert the States into mere petty corporations, provinces of one great consolidated Government. These principles gave to this Government authority to veto all State laws, not merely by act of Congress, but by the sword and bayonet. They would place the President at the head of the regular army in array against the States, and the sword and cannon would come to be the common arbiter; he might hang and quarter whom he pleased as traitors or transgressors against the rights of the great sovereign power of this Government. No man could be so blind as not to see the results. Before he invested the President with the powers claimed for him, he would like to know whether he could do it safely? I say the President, not Andrew Jackson; I deal in generalities when I ask whether these powers can safely be intrusted to the President. No rule could be established for their exercise but the Executive will. If the case of Georgia was presented to one President, (I am glad that the missionaries are turned out, for one refractory State gives us employment enough,) we should hear of "superadded obligations," while under another she might be patted on the back, and smiled upon graciously, and told that her proceedings were not only just but meritorious. I do not mean to cast reproach on either President, but I cannot consent to live under such a system; it is irrational. Before we commit our dearest rights to the Executive department, let us find out some method of causing all our Presidents to think alike, and thereby prevent them from hanging one man and rewarding another for the very same act. The rules which are now to govern us are locked up in the recesses of the human heart, where no man can read them. Better have at once the laws of the Medes and Persians.

In 1800, all these doctrines were, as I had hoped, put down once and forever. I had not expected that they would at this time have been brought into discussion. For thirty odd years they had been in a state of torpidity, but all of a sudden they are warmed into life, and now bask in the influence of the President's proclamation. Well may the Senator from Maine, [Mr. HOLMES,] upon being so suddenly awakened, be astonished at his bedfellows, and wonder how he has become so thick with them. It was singular, indeed, that the Senator should be found all of a sudden supporting, and I resisting, the measures and principles of the President. I have given to the administration, and am still prepared to give to the administration, as liberal a support as any administration ought reasonably to expect; but I am now fairly distanced by the Senator from Maine. We were told three years ago, in a celebrated debate on a most celebrated resolution, [Mr. FOOT's resolution,] that there had existed in by-gone times a firm under the style of "James Madison, Felix Grundy, John Holmes, and," if he could dare mention the other partner, "the Devil." The Senator from Tennessee withdrew his name publicly from the concern, and that of the senior partner, declaring that they would have nothing to do with the rest of the concern, and expressed the hope that his Satanic majesty would take good care of the other partner. I should like to know if the majority of the old firm have again united, and are now carrying on business.

[Mr. HOLMES begged the Senator from Virginia to yield the floor while he corrected a slight error which the gentleman had made in his statements relative to the affairs of the firm. The original firm was "James Madison, Felix Grundy, and the Devil." The Senator from Tennessee withdrew, and inserted my name, leaving me and his Satanic majesty to manage the concerns of the firm. If the Senator from Virginia wishes to know how the concern stands at present, he would inform him that his Satanic majesty had gone over to the nullifiers, and much about the same time with the Senator from Virginia.*]

Mr. TYLER resumed: He had concluded that his Satanic majesty had obtained a complete mastery over the whole concern, for he should show that nothing but the workings of his spirit could have produced such a bill as this.

The question of secession was not now regularly under consideration. It would be highly improper now to agitate it. I will throw out no remark, said Mr. T., limited as would be the influence which my opinions would have over the conduct of others, which could, by possibility, be construed, however remotely, into an inducement to any State in this Union to withdraw from it. I will rather take instructions, in this respect, from the course which the Legislature of Virginia has but recently adopted, who left out of her decision this question, when she had the subject of federal relations under consideration. It was a great, he would say a vital question, and should not be decided hastily or precipitately. I protest, however, against the right of the President to decide it for Congress. It is a question which exclusively refers itself to the co-States, or their representatives here. The President had announced his decision, somewhat authoritatively, to the public; and this constitutes, with me, no inconsiderable reason against voting him military power to carry into execution this foregone conclusion. To arm him with military power is to give him authority to crush South Carolina, should she adopt secession. When the question comes up, (I trust it never will,) should the decision be formally pronounced against the right of secession, it would come to be a subject worthy of all reflection, whether the military arm should be exerted, or other measures of a milder nature, but equally efficacious, be resorted to. It would probably be found that the course of commercial restrictions on the commerce of a seceding State would be more effectual to bring her back into the Union than the employment of a hundred thousand armed men. These were weighty subjects, and their decision should never be anticipated. I cannot believe, sir, that any State will ever consent to forego the blessings of union, without the greatest pressure and extremity of suffering.

In relation to the Supreme Court, he had but a few words to say. I entertain all due respect for the judges of that august tribunal. Towards the venerable Chief Justice I cannot express myself too warmly. In the midst of all the changes of a fitful era, he has been uniformly the same. From the rising to the setting of the sun, he has known no change. The country has known where to find him, and he has deceived no man in regard to his political opinions. Consistency in a politician is a virtue of the highest order. You know always when to trust and how to trust such a man, for he never deceives you. Unlike the changelings of the hour, the butterflies that assume new color with every passing day, circumstances transpire and time rolls on, but he knows no change. Such has been, and still is, Chief Justice Marshall. We are at a loss which most to admire, the profound knowledge and logical accuracy which he displays, or the purity and innocency of his life. Whether I agree or differ from such a man on political subjects, such difference can in naught abate from my admiration and respect for him as a man and as a citizen. Will I intrust my life to him? Yes. My property? Yes. But, I tell you, that the Chief Justice cannot still the roaring of cannon, or the noise of drums, when Governments are in the field. There can be but one ultimate arbiter when matters have attained that crisis, and that is the sword. I trust it will be very long before we come to such an issue.

The Senator from Pennsylvania, [Mr. WILKINS,] and in this example he had been followed by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] has cited a certain preamble and resolution adopted by the General Assembly of Virginia, in the year 1809, upon a proposition from the State of Pennsylvania to establish a common arbiter to decide questions arising between a State court and the United States court. The proposition itself was somewhat extraordinary, since it was confined by its terms to the sole case of a difference in opinion between the courts, and omitted any provision for collisions between other departments of the two Governments. The resolutions and preamble referred to were adopted by a unanimous vote. I stated, upon another occasion, that perfect unanimity in a legislative body on any question of interest, furnished generally the strongest evidence that the subject had not been examined. The accuracy of this opinion had been somewhat tested in the Pennsylvania Legislature this winter. Last winter that body was unanimous in its opposition to any reduction of the tariff; I am happy to find that this is no longer the case, a small minority having been found there entertaining different opinions; and my hope is, that that minority will acquire daily strength. But there is no general rule without an exception, and an exception was found in the proposition from Pennsylvania in 1809. How would it be possible to establish a common arbiter possessing sufficient impartiality in the decision of controversies between this Government and a State? By whom to be appointed, and how preserved, unaffected by those influences which operate more or less sensibly on all public agents? The Supreme Court might well be esteemed better qualified for the task than any new tribunal which could be established. As to the reasoning contained in the preamble, the probability is, that it was not examined. The resolution embodied the sentiments of the General Assembly; and I put it to the candor of honorable Senators to say, if they would not consider it rather unjust if they were held answerable for all the errors and inaccuracies contained in reports daily laid upon our table, into which no one cares to look. If gentlemen were desirous of ascertaining the true sentiments of Virginia on the interesting subject discussed by them, I refer them to the celebrated report drawn by Mr. Madison, in the year 1800, wherein this subject is fully examined. And if they require to be informed of the existing state of public opinion in Virginia, I refer them to the recent proceedings of the Legislature of that State, which has again reiterated the decision pronounced by it in 1800. I desire to add one more remark before I quit this branch of the subject. Compliments were daily paid to Virginia. She was called "the Old Dominion," "good old Virginia." While she is thus complimented, her advice is rarely ever followed; her doctrines are contemned; and it is supposed that full compensation is found for all this in the use of soothing epithets and flattering phrases. If you would only give her credit for honesty, and follow her doctrines, then, my life on it, the spectacle now exhibited would never be seen again. I would undertake to say, that if the doctrines of Virginia were followed out, collisions would never arise between the Government of the United States and the State Governments. Her doctrine is simply this: exert no other power than that which was confided to you. Instead of looking at Virginia as she is at present looked at, she ought to be regarded as she deserved. If found nodding at her post, if found slumbering for a moment, every forgotten word, every careless report is hunted up, brought forth against her, and cited as the Virginia doctrine. I would say, follow her true doctrines; listen to her as a sister. She has made great sacrifices on the altar of the Union. There is no State in this Union more desirous to preserve the institutions of the country. If you listen to her now, you will restore harmony to the country.

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* So published in the National Intelligencer; the sketch in the Telegraph is different. Mr. Tyler did not hear the concluding words of Mr. Holmes, or he would have disclaimed their application to himself.

My honorable friend from Pennsylvania has alluded to the whiskey insurrection, and, in no unfriendly spirit, has said that that insurrection had arisen in that very strip of land which was formerly a matter of controversy between his State and mine; from which he would have it inferred, that Virginia was justly chargeable with that proceeding. Now I submit it to the Senator to say, if he does not think it rather unfair, after having obtained, by hook or by crook, that which was fairly ours, to debit us with all the offences of which the inhabitants might afterwards be guilty? The fact was, that the land was ours rightfully, honestly; but Pennsylvania put in her claim to it, and her citizens nullified the decisions of our courts, and, in some instances, gave our people black eyes and bloody noses. For whatsoever may be the opinion of the world to the contrary, the old fashioned play of rough roll and tumble is as well understood in Pennsylvania as in Kentucky. Sir, we had either to fight or back out; and it was thought better, by the men of that day, to give up the land than to fight for it. The people dwelling on this side of that line are in favor of good order; they hated all schemes which were likely to interrupt the tranquillity of society; they were against the whiskey insurrection, and assisted to put it down, and would be found at all times opposed to whatever would put into jeopardy the stability of our institutions. I leave, therefore, the whiskey insurrection, where it properly belongs, to the State of Pennsylvania; and the honorable Senator may adjust the whole matter with his neighbors of Pittsburgh and its vicinity. Mr. T. begged pardon of the Senate for this deviation from the course of his remarks, and would return to that course, and relieve the Senate with as much speed as possible.

Sir, said he, if any man would run a comparison between a federal system, such as we have, and a consolidated system, he could not fail to express his warmest admiration at the beauty of the first. When I contemplate the difference between them, it has struck me with astonishment, that any portion of this Union should desire to see a consolidated Government established on the ruins of a federal republic; that beautiful system which, if truly carried out, was calculated to render us the happiest and most powerful people on the face of the earth. He could compare it to nothing so properly as the solar system. It was the sun (the Federal Government) giving light, heat, and attraction to the planets revolving round it in their proper orbits. No two could come in contact with each other; they rolled on in ceaseless splendor, so long as they preserved the course pointed out by the constitution. It was impossible for them to come into collision either with the Government, or with each other, so long as they were confined within their proper orbits. The people of the States were attached to the State Governments, to whom they looked for protection, and to the Federal Government, which guarantied the safety of the whole. The State Governments exercise a paternal sway; they regulate the domestic concerns, prescribe the rules of property, the punishment of crimes, the internal police, and throw the ægis of protection over the family circle. To this are confided the great powers of peace and war; the sword and the purse are here. Power, however, often forgets right. The States act as sentinels upon the watch-tower to give the alarm on the approach of tyranny; and, being organized into Governments, stand ready, after all other measures shall fail, and the only alternative is slavery or resistance, to resist.

Take, on the other hand, a consolidated Government—the States but mere petty corporations—and what would be the consequences? Would such a Government secure and retain the confidence and affection of the people, or promote their interest? It would be a mere Government of parchment, dependent on the will of an arbitrary majority, and he would not care how it was disposed of. You might burn it, if you pleased, at the point of the bayonet. Could any man coming from Maine or Massachusetts understand the rights and interests of the people of Maryland or Virginia, or legislate properly for their interior concerns? It was in vain to think of it.

Mr. T. said he thought he had long seen a tendency towards consolidation in the legislation of Congress. He would show how it worked. First, the power was assumed to direct the internal improvement throughout the Union; next the power to regulate domestic industry; and last comes the right to carry on a system of general education.

Strip the State Governments of their power, one by one, and why preserve them at all? Would the people long endure two sets of tax-gatherers clutching at the fruits of their industry? No, sir, the State Governments would become useless, only serving to encumber and retard the machinery, and would speedily pass out of existence. What follows? The concentration of augmented power here would swell the importance of the Presidential office. Popular convulsions would inevitably follow. The public mind would be fretted by the constant collision of parties, and all would adopt the expedient which was most readily at hand. The Presidential term would first be enlarged for a greater number of years; then extended for life; and the sceptre would speedily be handed over to the lineal issue; a "*hic jacet*" would be all that would remain to inform after ages that this had once been the land of the free. These things must not be. Rely upon it, the people are rousing; "the Campbells are coming." The banner of State rights hovers over the lakes and spreads its broad folds over the distant waters of the West. The patriots who have heretofore been separated by the ephemeral contests of the day, will come back again and settle down with us on the great common principles which the preservation of the Federal Union calls upon us to defend. I have no fear of the ultimate result; "truth is mighty, and will prevail." Many will be overwhelmed in the first onset, myself, probably, among the number; because the power we have to oppose is gigantic; but victory in the end is certain. These principles had triumphed in 1800, when they had to encounter disadvantages equally great, and, if they fail now, the days of this republic may be considered as numbered.

I have not argued these questions with any reference to South Carolina; my own State, every State in the Union, is interested in their decision. I leave South Carolina to take care of herself; she rests in the hands of her able Senators on this floor. I disclaim the policy adopted by her; all here know that I did not approve of her course. I will not join in the denunciations which have been so loudly thundered against her, nor will I deny that she has much cause of complaint. She has put much at hazard, but I trust we shall have a safe deliverance from our present condition, and that all cause of complaint may speedily be put an end to; I leave her, therefore, where I found her, without at this time making further reference to her.

In the course of the examination I have made into this subject, I have been led to analyze certain doctrines which have gone out to the world over the signature of the President. I know that my language may be seized on by those who are disposed to carp at my course and to misrepresent me. Since I have held a place on this floor, I have not courted the smiles of the Executive; but whenever he had done any act in violation of the constitutional rights of the citizen, or trenching on the rights of the Senate, I have been found in opposition to him. When he appointed corps of editors to office, I thought it was my duty to oppose his course. When he appointed a minister to a foreign court without the sanction of law, I also went against him, because, on my conscience, I believed that the act was wrong. Such was my course, acting, as I did, under a sense of the duty I owed to my constituents; and I will now say, I care not how loudly the trumpet may be sounded, nor how low the priests may bend their knees before the object of their idolatry, I will be at the side of the President, crying in his ear, "Remember, Philip, thou art mortal!"

I now come to the most important part of the work which I have to perform. I shall now proceed to touch the bill itself; and I propose to dissect its provisions and expose its enormities. He should take it up by sections, because he believed that the work had not yet been done, and he desired that the Senate should be fully advised of the character of the bill before they enacted it into a law. He regarded it as the first fruit of the doctrines he had combated.

I object to the first section, because it confers on the President the power of closing old ports of entry and establishing new ones. It has been rightly said by the gentleman from Kentucky [Mr. BIBB] that this was a prominent cause which led to the revolution. The Boston port bill, which removed the custom-house from Boston to Salem, first roused the people to resistance. To guard against this very abuse, the constitution had confided to Congress the power to regulate commerce; the establishment of ports of entry formed a material part of this power, and one which required legislative enactment. Now I deny that Congress can deputize its legislative powers. If it may one, it may all; and thus, a majority here can, at their pleasure, change the very character of the Government. The President might come to be invested with authority to make all laws which his discretion might dictate. It is vain to tell me (said Mr. T.) that I imagine a case which will never exist. I tell you, sir, that power is cumulative, and that patronage begets power. The reasoning is unanswerable. If you can part with your power in one instance, you may in another and another. You may confer upon the President the right to declare war; and this very provision may fairly be considered as investing him with authority to make war at his mere will and pleasure on cities, towns, and villages. The prosperity of a city depends on the position of its custom-house and port of entry. Take the case of Norfolk, Richmond, and Fredericksburg, in my own State: who doubts but that to remove the custom-house from Norfolk to Old Point Comfort, of Richmond to the mouth of Chickahominy, or of Fredericksburg to Tappahannock or Urbanna, would utterly annihilate those towns? I have no tongue to express my sense of the probable injustice of the measure. Sir, it involves the innocent with the guilty. Take the case of Charleston: what if ninety-nine merchants were ready and willing to comply with your revenue laws, and that but one man could be found to resist them; would you run the hazard of destroying the ninety-nine in order to punish one? Trade is a delicate subject to touch; once divert it out of its regular channels, and nothing is more difficult than to restore it. This measure may involve the actual property of every man, woman, and child in that city; and this, too, when you have a redundancy of millions in your treasury, and when no interest can sustain injury by awaiting the actual occurrence of a case of resistance to your laws, before you would have an opportunity to legislate.

Again: "All duties, imposts, and excises shall be uniform throughout the United States;" and yet this section invests the President with authority to exact cash duties at one place, while the credit system prevails at another. These extraordinary powers were to be exercised, not only to put down unlawful combinations, but whenever there were any "unlawful threats." Now I wish to know, for I am much attached to a distinct and definite phraseology, what would be considered as constituting unlawful threats? If one of the Government inspectors should chance to be abused by a drunken blackguard in the streets, was that to be deemed an "unlawful threat," which would invest the President with authority to call the military into requisition? Every power is surrendered; and the discretion of the President is the only rule for his government.

But this is not all. He is further empowered to employ the land and naval forces to put down all "aiders and abettors." How far will this authority extend? Suppose the Legislature of South Carolina should happen to be in session: I will not blink the question, suppose the Legislature to be in session at the time of any disturbance, passing laws in furtherance of the ordinance which has been adopted by the convention of that State; might they not be considered by the President as aiders and abettors? The President might not, perhaps, march at the head of his troops, with a flourish of drums and trumpets, and with bayonets fixed, into the state-house yard at Columbia; but, if he did so, he would find a precedent for it in English history.* So, also, Governor Hayne would be in some danger; and any judge or juror, who should dare to justify the popular movement by any judgment or verdict against the tariff laws, would run the hazard of being suppressed. But, sir, the thing might not even stop here. My own State has never failed to denounce these tariff laws as unjust and unconstitutional; and, inasmuch as all such denunciations have a tendency to excite the public mind, it might fall under the appellation of "aiders and abettors." I, too, sir, have followed the example of Virginia in opposition to the protective policy, and it may be my fate to be punished under the first section of this bill—I say the first section.

I have all proper confidence in the President, but I have an instinctive abhorrence to confiding extravagant powers in the hands of any one man. If they should be used by the present President with a proper discretion, and for the common good, if our institutions should come safely out of his hands, yet the precedent would be left on the statute book, and other Presidents might not use the power so beneficially. Rome was perfectly safe when she called Cincinnatus from the plough and clothed him with dictatorial authority; but she had cause long to bewail the dictatorship of Sylla and Caius Marius. I therefore say nay to this grant of powers. I care not what may be the character of the Chief Magistrate; how high his public worth may be rated; or how great and splendid may have been his services to his country: I will not intrust such powers in his hands. I would not even have confided them to him who was properly called *Patriæ Pater.*

The second section extends the powers of the United States courts over a portion of the criminal jurisdiction now belonging to the State courts exclusively. Let me state a case. If an officer of the customs shall differ, in regard to any matter appertaining to his duties, with any citizen of Richmond, or any other place, and a quarrel should thereupon arise, and the custom-house officer shall beat and maltreat such citizen, no redress for the injury can be obtained in the State courts, and the action for damages can alone be brought in the federal courts. Nay, sir, if the revenue officer commit murder, cold-blooded murder, he is triable for the same only before the United States court, maugre the laws of Virginia, which prescribe the punishment for the offence, and the mode of trial. Thus rescuing the citizen from responsibility to the tribunals of the State of which he is a citizen, and overturning usages which have existed through all time.

The well known and established legal means of proceeding in the State courts are, by this section, also abrogated, by preventing writs of replevin, detinue, or trover, or attachments in equity, where the subject of the suit may be in the hands of any officer of the United States, no matter how acquired. Can it be the design of the Senate, by a law applicable to every State in the Union, to deprive the State courts of the jurisdiction they have enjoyed, *ab urbe condita*, to the decided profit and convenience of the citizens of the country?

The third section carries out the second, and furnishes an instance of practical nullification every way equal to the South Carolina ordinance. It presents the singular spectacle of the translation of a cause *ad aliud examen;* while the record, the only evidence of the existence of such a case, is left behind. It requires an act to be done by "a court," and yet declares that this very act is to be deemed and taken as done, when the petition for its performance is left in the office of the clerk of the court. Further, after the suit is removed by the defendant, by the mere deposite of his petition for removal, without notice to the plaintiff, the plaintiff is required to proceed *de novo;* and if he does not comply with this unknown order, a judgment of *non pros.* is to be entered against him, with costs. Now, sir, I beg to know what the plaintiff has done to merit all this? He has brought a proper suit in a proper court, against a proper defendant, which suit the defendant may or may not remove at his own pleasure; and yet the plaintiff is to be burdened with all the costs, in any event, which may have been incurred in the State court; nor is the defendant required to give bond to answer costs and damages, not even the additional costs to which the plaintiff may be liable.

I pass over the fourth section, and proceed to the fifth. This provision inspires all the officers of the Government, and all the "State authorities," from the Governor down to the constable, with the spirit of prophecy. Formerly, that was a spirit which visited the world at intervals "wide and far between." It was that spirit which "touched Isaiah's holy lips with fire," and had its origin, not in parliaments or legislative assemblies, but in a much higher source. But this section converts every petty officer into a prophet, and endows him with the faculty of foretelling coming events. Mr. T. then referred to the language of the bill, which empowers the President to call out the military and naval force, when he shall be informed that the laws will, in any event, be obstructed. If the President was informed that the laws will be obstructed, these coming events are to be arrested by the interposition of Executive power. How would this work? No, I will not say how would, but how might it work? A judge--no, a constable, picks up an anonymous letter, or a general order, such as had been exhibited here in this debate, in which there was a great talk about a military force—a steamboat had lowered the flag of the United States half-mast, and raised above it a tri-colored ensign; he communicates these ominous facts, dovetailed with such comments and rumors as his fears may have created, or idle gossip conjured up, and the President adopts the conclusion that the revenue laws will be violated, and issues his proclamation accordingly. Yet, after all, it may turn out that this informant has been frightened with shadows, and shadows would have more effect upon one of these officers than ten thousand men armed in proof would have upon the President himself. Take the controversy now pending between the States of New York and New Jersey, which materially affects the interests of the city of New York; and suppose that the Supreme Court decides against New York, and issues its process against Governor Marcy; the people of the city are roused against the decision, denounce the Supreme Court, have numerously attended meetings in their City Hall, and parade their streets in a threatening attitude. What is to be done? The marshal makes no effort to execute the process, but reports to the President that the laws will be resisted. A proclamation is thereupon issued; the military is ordered out; and a collision may or may not be brought on, as the feeling or policy of the hour shall prevail.

The sixth section of the bill he viewed as a Botany Bay law. It was in fact a Botany Bay law, with one exception, that the law in England requires conviction before transportation; by this, transportation precedes conviction. There, a place is designated to which the convict may be transported; here, to such convenient place as the judge and marshal shall appoint. The marshal is also authorized to make "such other provision," for the safe keeping of the prisoner, I presume is meant, as he may deem "necessary and expedient." Suppose a man to be arrested for a debt due the United States; the jails are closed against his reception, and the marshal is to carry him to some convenient place; is he not completely in the power of the officer? and may he not drag him away, far from his friends, to any place he may please, and, under the authority to do whatever he may deem "necessary and expedient," put chains upon his limbs, cast him into a loathsome dungeon, and carry him to the end of the earth? Is there any thing in the section which limits his discretion to the State wherein the party may be arrested? If such was the intention, why not so have said? When the liberty and rights of the people are concerned, why leave that uncertain which may so readily be rendered certain? The absence of all such limitation on the discretion of the officer, as the section now stands, raises the implication that no such restriction is designed. It may be said that the judge and marshal may be well trusted. It may or may not be so. But there can be no necessity for extending a power which may be abused when the abuse may so easily be limited and restrained.

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* "Colonel Pride's purge," as it was called, in the time of Oliver Cromwell.

There was no ambiguity about this measure. The prophecy had already gone forth; the President has said that the laws will be obstructed. The President had not only foretold the coming difficulties, but he has also assembled an army. The city of Charleston, if report spoke true, was now a beleagured city; the cannon of Fort Pinckney are pointing at it; and although they are now quietly sleeping, they are ready to open their thunders whenever the voice of authority shall give the command. And shall these terrors be let loose because some one man may refuse to pay some small modicum of revenue, which Congress, the day after it came into the treasury, might vote in satisfaction of some unfounded claim? Shall we set so small a value upon the lives of the people? Let us at least wait to see the course of measures. We can never be too tardy in commencing the work of blood. May we not indulge the expectation that South Carolina will have some regard to her own peace, and not bring matters to an issue with unnecessary precipitation? I hope that a voice, which has gone forth from Virginia, will arrest her attention. Sir, I have heard my State slightingly called the Mediator State. She is so, and I rejoice that she has assumed that office. In the great cause of union, I trust she will always joyfully press forward, and, addressing herself to a sister State, whose interests are nearly identical with her own, I will not doubt but that her mediation will prove successful. Then scoff at her who may, she will have presented you the olive branch, and furnished new cause for your gratitude and affection.

I regret that the course adopted here has not been better calculated to avoid a rupture. I fear me that what has been done has been but too well calculated to chafe the spirit of that honored and lofty State. An army had been sent thither, instead of a messenger of peace; revenue cutters to watch her commerce; an armed ship riding in her roadstead; and a proclamation issued breathing denunciation. These were not calculated to allay excitement. I think a better course might have been adopted. If the President had rested upon his message at the opening of the session, my belief is that the tariff would have been reduced. But it was in the nature of man to fight for money. Some of the advocates of the tariff on this side of the Potomac were ready to yield a portion; but I fear that to others the temptation of high profits is too strong to be resisted, more especially when the army and navy, and the whole military force, is to be employed to rivet high duties on the country. An honorable exception was found in Virginia. All classes of society and all interests united in recommending a suitable modification, manufacturer and all, so far as the resolutions of the Legislature furnished any evidence of public sentiment. But it is a bad mode of settling disputes to make soldiers your ambassadors, and to point to the halter and the gallows as your *ultimatum*.

Sir, if a foreign country violates her treaty stipulations, spoliates upon your commerce, and holds your friendship as nothing, you still negotiate; you resort to every possible expedient to preserve peace; you will invest the President with no discretionary power to declare war; but if a State braves your authority, and threatens to set your laws at defiance, you pant for the contest, and commit to the hands of the President unlimited discretion; and yet what are the horrors of a foreign, compared with those of an intestine war?

If the majority shall pass this bill, they must do it on their own responsibility; I will have no part in it. When gentlemen recount the blessings of union; when they dwell upon the past, and sketch out in bright perspective the future, they awaken in my breast all the pride of an American; my pulse beats responsive to theirs, and I regard union, next to freedom, as the greatest of blessings. Yes, sir, "the Federal Union must be preserved." But how? Will you seek to preserve it by force? Will you appease the angry spirit of discord by an oblation of blood? Suppose that the proud and haughty spirit of South Carolina shall not bend to your high edicts in token of fealty; that you make war upon her, hang her Governor, her legislators, and judges, as traitors, and reduce her to the condition of a conquered province—have you preserved the Union? This Union consists of twenty-four States; would you have preserved the Union by striking out one of the States—one of the old thirteen? Gentlemen had boasted of the flag of our country, with its thirteen stars. When the light of one of these stars shall have been extinguished, will the flag wave over us, under which our fathers fought? If we are to go on striking out star after star, what will finally remain but a central and a burning sun, blighting and destroying every germ of liberty? The flag which I wish to wave over me, is that which floated in triumph at Saratoga and Yorktown. It bore upon it thirteen States, of which South Carolina was one. Sir, there is a great difference between preserving union and preserving Government; the Union may be annihilated, yet Government preserved; but under such a Government no man ought to desire to live.

His mode of preserving the Union was by restoring mutual confidence and affection amongst the members; by doing justice and obeying the dictates of policy. The President has pointed out the mode in his opening message. We had been informed that there was an excess of $6,000,000 in the treasury. I would destroy that excess; yet, I would not rashly and rudely lay hands on the manufacturer, if I had the power to do so. While giving peace to one section, I would not produce discord in another. It would be to accomplish nothing, to appease discord in one section and produce it in another. The manufacturers desire time; give them time, ample time. If they would come down to the revenue standard, and abandon the protective policy, I would allow them full time. I present these suggestions, for I am anxious to see this vexed question adjusted.

It had been said that it would not do to offer terms while South Carolina maintained a menacing attitude. I consider this view altogether erroneous. Shall not justice be done to the other Southern States? They, too, complain loudly, deeply, of the oppressive burdens under which they labor in common with South Carolina. But, regard it as exclusively a South Carolina question; what prevents you from yielding to her wishes? Pride, alone, stands in the way—false pride. It is the worst, the most pernicious of counsellors. Against its influence Lord Chatham and Edmund Burke raised their voices in the British Parliament; but the reply was, that it would not do to make terms with revolted colonies; and a besotted ministry lost to the English crown its brightest jewel. It is idle to talk of degrading Government by yielding terms. This Government is strong—South Carolina weak. The strong man may grant terms to the weak; and, by so doing, give the highest evidence of magnanimity. All history teems with instances of the evils springing from false pride in Governments. Bruised thrones, dismembered empires, crushed republics; these are its bitter fruits. Let us throw it from us, and try the efficacy of that engine which tyrants never use; that great engine which would save Poland to Russia, Ireland to England, and South Carolina, not as a province with her palmetto trailing in the dust, but as a free, sovereign, and independent State, to this confederacy—the engine of redress. This is my advice.

But my advice is disregarded; you rush on to the contest; you subdue South Carolina; you drive her citizens into the morasses, where Marion and Sumter found refuge; you level her towns and cities in the dust; you clothe her daughters in mourning, and make helpless orphans of her rising sons; where, then, is your glory? Glory comes not from the blood of slaughtered brethren. Gracious God! is it necessary to urge such considerations on an American Senate? Whither has the genius of America fled? We have had darker days than the present, and that genius has saved us. Are we to satisfy the discontents of the people by force—by shooting some, and bayoneting others? Force may convert freemen into slaves; but, after you have made them slaves, will they look with complacency on their chains? When you have subdued South Carolina, lowered her proud flag, and trampled her freedom in the dust, will she love you for the kindness you have shown her? No; she will despise and hate you. Poland will hate Russia until she is again free; and so would it be with South Carolina. I would that I had but moral influence enough to save my country in this hour of peril. If I know myself, I would peril all, every thing that I hold most dear, if I could be the means of stilling the agitated billows. I have no such power; I stand here manacled in a minority, whose efforts can avail but little. You, who are the majority, have the destinies of the country in your hands. If war shall grow out of this measure, you are alone responsible. I will wash my hands of the business. Rather than give my aid I would surrender my station here, for I aspire not to imitate the rash boy who sat fire to the Ephesian dome. No, sir, I will lend no aid to the passage of this bill. I had almost said that "I had rather be a dog and bay the moon than such a Roman." I will not yet despair; Rome had her Curtius, Sparta her Leonidas, and Athens her band of devoted patriots; and shall it be said that the American Senate contains not one man who will step forward to rescue his country in this her moment of peril? Although that man may never wear an earthly crown or sway an earthly sceptre, eternal fame shall wreathe an evergreen around his brow, and his name shall rank with those of the proudest patriots of the proudest climes.

Mr. CLAYTON, of Delaware, then took the floor, and moved an adjournment.

Thursday, February 7.

MILITARY ORDERS.

Mr. POINDEXTER offered the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before the Senate copies of the orders which have been given to the commanding officer of the military forces assembled in and near to the city of Charleston, South Carolina; and also copies of the orders which have been given to the commander of the naval forces assembled in the harbor of Charleston; particularly such orders, if any such have been given, to resist the constituted authorities of the State of South Carolina, within the chartered limits of said State.

Mr. P. said, that, as a response to this resolution might have an important bearing on the bill which was now pending, and as he supposed that no Senator would object to the course, he would ask that the resolution be considered at this time.

No objection being made, the Senate proceeded to consider the resolution.

Mr. WEBSTER (who had just come in) said this appeared to be a very important resolution, and one which required some consideration. He therefore hoped that the passage of it would not be pressed at this time.

Mr. POINDEXTER had no objection to the postponement, but he desired to be informed by the Senator from Massachusetts what kind of orders could be issued from the War Department, which ought to be kept secret, at a time of profound peace? If there was likely to be war, he would wish to know it. If not, there could be no objection to the communication of any orders issued in a time of profound peace. The President could answer this resolution in his own way, and the Senate would be able to see, from the possession of the orders, whether they were transcended by the officer to whom they were sent, and to attach responsibility where it ought to lie. If honorable Senators were unwilling that the truth should meet the light, be it so. But he hoped that the Senate would concur in his resolution.

Mr. GRUNDY said he had never any objection to any information being obtained, which was proper in its character, either at this or any other time. The proposition now submitted contained much matter, and some which it might not be discreet at this moment to give, although it might be proper to give it hereafter. He could wish that the resolution should lie over until to-morrow, when he would interpose no objection to its passage, so far as his vote was concerned. At present he was ignorant of the purport of the resolution, having only just heard it read; nor could he tell the design with which it had been introduced. Much had been said about the military force concentrated in and about Charleston, and he was himself as anxious as any gentleman to know when and where this force was concentrated. But he wished to see whether this inquiry did not go too far, or whether it went far enough. He hoped, therefore, that the resolution would be laid on the table until to-morrow; and that the bare circumstance of Senators being inattentive or absent would not induce the Senator from Mississippi to press the consideration of the resolution out of the usual order of the Senate.

Mr. G. concluded with moving to postpone the further consideration of the resolution until to-morrow.

The motion was agreed to.

REVENUE COLLECTION BILL.

The Senate then again proceeded to the bill making further provision for the collection of the revenue.

Mr. CLAYTON, of Delaware, addressed the Senate as follows: When the able and eloquent Senator from Virginia [Mr. Tyler] rose yesterday to discuss the bill under consideration, he expressed his apprehension that some loose remark, falling from him in the ardor of debate, might prove fatal to him. A pleased and attentive listener to the perspicuous speech of the gentleman, in vindication of the reputed doctrines of the State which he has so honorably represented on this floor, I confess I could scarcely suppose that he stood in danger of any distortion of his views, or misrepresentation of his sentiments. I know well, sir, that my honorable friend will acquit me, in the outset, of any design to misrepresent him; and he knows equally well that if, in the course of this debate, I should at any time fail to state his opinions exactly, it will give me pleasure to stand corrected by his explanations. While about to dissent from his doctrines in reference to this interesting subject, suffer me also to express the hope that if any luckless phrase of mine, uttered in the heat of this discussion, should go beyond its mark, and offend his honorable pride, he will "free me so far in his most generous thoughts, that I have shot my arrow o'er the house and hurt my brother."

If a doubt had ever existed in my mind as to the course which it is my duty to pursue in regard to this measure, that doubt would have been removed by the just influence of the sentiments of those who, as the immediate representatives of the people of that State which has commissioned me to act as a Senator on this floor, have fully expressed themselves in certain resolutions, a copy of which is now before me. These resolutions, in substance, declare that the constitution of the United States is not a treaty or a mere compact between sovereign States, but a form of Government emanating from and established by the people of the United States; that this Government, although one of limited powers, is supreme within its sphere of action, and that the people owe to it an allegiance which cannot, in consonance with the constitution, be withdrawn by State nullification or State secession; that the Supreme Court of the United States is the only and proper tribunal for the settlement, in the last resort, of controversies arising under that constitution and the laws of Congress; that, in cases of gross and intolerable oppression, for which the ordinary remedies to be found in the elective franchise and the responsibility of public officers are inadequate, the remedy is extra-constitutional—resistance and revolution. The language of our people, as expressed by their representatives, touching the fatal delusion pervading the ordinance and legislation of South Carolina, is, that while they entertain the kindest feelings towards the people of that State, "with whom they stood side by side in the war of the revolution, and in whose defence their blood was freely spilt," they will not falter in their allegiance, but will be found now, as then, true to their country and its Government: and they pledge themselves to support that Government in the exercise of all its constitutional rights, and in the discharge of all its constitutional duties. These resolutions, proclaiming as they do the sentiments of gentlemen of all political parties, do not instruct me to adopt them as my political text-book, but leave me, untrammelled by any mandate, to follow the course which my own judgment may dictate in relation to the whole subject.

But, sir, my sentiments were no secret to the people who spoke thus by their constitutional organ, the legislative body. When principles directly repugnant to these were first advocated within the walls of this chamber, though fresh in my seat here, my voice was raised against them. The first effort that was ever made here to support the present Carolina doctrine of nullification by a State convention, made by the gentleman from Tennessee, [Mr. GRUNDY,] now a happy convert to much of my political catechism, and sustained with a degree of ability which has hardly been surpassed in this debate, was opposed by me while feebly pressing the adversary principles now inculcated in the declarations of Delaware, to which I have adverted. It is my business, sir, to reassure that honorable member of the truth of these his new articles of faith, and to tell him, too, that, however unfashionable these tenets were at the time of our ancient controversy, there is now no other mode known among men whereby he can be politically saved.

It has so happened, sir, that the principles with which I entered public life, and with which, by the blessing of God, I will live and die—the same principles for which I and my political friends have been contending during the whole period of my service in the Senate, have been discovered by the President, in this perilous crisis of our public affairs, to be the only true conservative principles of the constitution. As one of those who have steadily, though unsuccessfully, opposed what in my conscience I believe to have been usurpations of Executive and State power—doctrines leading to the present disastrous results, as I have often predicted, in reference to the veto message of the last session, and the whole course of our recent national policy towards the State of Georgia—true now, sir, to the same principles, I find myself, by a sudden revolution in the sentiments of the administration on this subject, anxiously supporting its very strongest measures. At the same time, I find the President, without the aid of those friends with whom it has ever been my pride to be associated in the political divisions which have agitated this body, sustained only by a very small and hopeless minority of the American Senate. It is under these circumstances, sir, that the chairman of the committee reporting this bill, [Mr. WILKINS,] assigns a reason for its passage so very different from any which I could suffer to govern me—so repugnant to all my principles of action, and all my humble notions of right and wrong, that I deem it my duty *in limine* to enter my protest against it. He supports this bill because the execution of its provisions will devolve on the President. He votes for this great measure because it confers power on one who (tell it not in Gath!) "never abused power!" He goes for the man, and sustains the principle for the sake of the man. There may be others, sir, who, with a deep devotion which no circumstance can diminish or abate, with an ardent zeal which no tyranny could cool, with a blind confidence which neither time nor tide could ever wear away, would bow to the god of their idolatry, and desire no better reason for their assent than that which they render in their daily aspiration of "*fiat voluntas tua!*" But my support of this measure is predicated on no servile submission to any Executive mandate, on no implicit and unlimited faith in any man. I will clothe the Executive with all constitutional power necessary to secure the faithful execution of the laws, and the preservation of the Union. I will confer stronger authority on the Chief Magistrate, because I can find no other chance of salvation for my country; and I will not be deterred from the adoption of this measure by any consideration of the source from which it has emanated, or because an unworthy reason has been advanced by others to sustain it. Whatever beauties the chairman may discover in this part of his own argument, whatever foreign missions or splendid offices may now glitter in the vista to dazzle and delight the vision of others, I see, and wish to see, no prospects of political advancement arising out of this sudden revolution in Executive opinion, for any member of that proud opposition which has so long and so stubbornly maintained its lofty independence of character, and so triumphantly vindicated the cause of constitutional liberty in the halls of the Capitol of this country. If it be true that, in the honorable discharge of our sacred duty here, we have committed the sin hitherto deemed unpardonable against that being who is so prominent an object of the humble adoration of others, let that sin remain unexpiated by any atonement which we have now to offer; and should political death be the punishment to be inflicted upon us for our transgressions, let us at least perish, hoping nothing from the smiles, and fearing nothing from the frowns, of Executive power!

Nor, sir, as I trust, will any man here, who has ever justly laid claim to the honorable title of "National Republican," be prevented from giving a liberal support to this bill, by the general denunciation of it as a federal measure. We know well that this same ingenious stratagem has been resorted to for more than thirty years, alternately to elevate or depress the leading demagogues in this country. The best possible plan to escape the force of reason, is to appeal to the ignorant prejudices of mankind. One who has engaged in this debate, traces, by the aid of the most marvellous powers of combination and deduction, the origin of the nullifiing resolutions of Kentucky, in 1798, and their kindred resolutions of Virginia, adopted in the same era, to the old federal party! An ingenious modern writer, sir, has derived the word "cucumber" from "Jeremiah King;" but even his praises might well remain unsung, while the superior ingenuity of the author of this charge, against the men of other days, should, by bard and minstrel, be celebrated in Hudibrastic lays for the admiration of the world. The Kentucky resolutions, which gave birth to the whole heresy of nullification, are entitled to no respect, whether we consider the time of their adoption, or the mere object for which they were drawn. They were written by a candidate for office, in a period of high party excitement, for the very purpose of securing his own election. They were well calculated to intimidate political opponents by the threat of ultimate disunion in the event of his defeat, and as such they were denounced by many of the other States, at the time, in the strongest language. They slept on the shelf after they had done their office, without an effort on the part of any man to vindicate the principles contained in them, until after the lapse of thirty years, when they were awakened by the trumpet of discord resounding again throughout this happy country. I say, sir, that no considerable effort was made to defend them, or their revolutionary principles, from 1800 till after the passage of the tariff act of 1824. Yet they were assailed and denounced in the hearing of the very men who, if they had been deemed defensible, ought to have been first to stand forth in their behalf. In the debate on the Judiciary in 1802, Mr. Giles, of Virginia, having barely so far alluded to the subject as to mention the determination of the federal courts, that they are judges in the last resort of the constitutionality of your laws, to prove what he called their unlimited claims to power, was promptly met in reply, on this whole question, by Mr. Bayard, who vindicated the true principles of the constitution against the then recent and arrogant pretensions of State usurpation, by whatever name it may be called—State veto, State interposition, or State tyranny. Entrenched behind the very principles we now advocate, he threw the gauntlet to any champion on the other side who might choose to venture in defence of the doctrines avowed in those resolutions. Sir, no one then appeared in the lists to accept that challenge. The resolutions, which might have been fairly claimed as covering the whole ground of this part of the debate, were not even named, much less defended or held up, as authority by any one. They had served their purposes, sir. The party that framed them was seated in power, and it was their interest to neglect and to despise them.

Suffer me, sir, to add one other preliminary remark, before I proceed to the argument of the main question involved in the consideration of this bill. The gentleman from North Carolina, [Mr. Brown,] to strengthen his own argument against the use of force to sustain the revenue laws, cited a passage from the speech of the same distinguished representative of Delaware, to whom I have alluded, delivered in Congress, on the subject of the embargo law. The object was to show that our Government, being essentially pacific in its genius and character, ought not to be sustained by force, when concession can be properly made to prevent its employment; and I grant the gentleman the full benefit of all the passage he has cited. I am willing to adopt the recommendation of that eminent statesman in the present condition of this country. I am willing to concede all that can be yielded to an honest difference of opinion, consistently with the honor and interest of the nation. I would now cheerfully give my vote for a new tariff, which should extend the list of articles to be admitted duty free as far as that list could possibly be extended, without injury to the essential manufactures of the country. But it ought never to be hoped for, that the system which now protects the industry of the farmers, the mechanics, and manufacturers; in short, the whole of the laboring freemen in the middle, northern, and western States, from competition with British paupers, should be utterly and unconditionally abandoned. Sir, I am well satisfied that it cannot be so abandoned without the imminent danger of a speedy revolution in this Government; and that, in this view of the subject, it would be infinitely better to

—"Bear the ills we have,
"Than fly to others that we know not of."

If the measure proposed by the bill should, as is alleged, drive South Carolina to open secession, still, sir, I hold that State secession is a less evil than State nullification. I think the soundness of this opinion is easily demonstrable. If the latter doctrine be triumphantly established; if it be, indeed, true that any one of these States can constitutionally and rightfully decide, in the last resort, on the mode and measure of redress for all her alleged grievances; then, sir, is South Carolina, while all her ports are open for the admission of every article of importation, duty free, still within the pale of the Union, and entitled to participate in all its blessings, though she refuse to share in any of its burdens. The whole amount of southern exports, estimated at forty millions annually, may be exchanged for foreign manufactures and foreign produce; and by virtue of this ordinance of nullification, the exchanges may, through the free ports of Charleston, Beaufort, and Georgetown, be transhipped coastwise, and forced upon the consumption of the whole country, in defiance of all our laws for the collection of duties. The immediate effect of this must be desolation and ruin to us—desolation and ruin so certain and so speedy, that our southern fellow-citizens would find us a prey hardly worth the trouble of further pursuit, after the lapse of five or ten years from the period when such a system should go into effective operation. Throwing out of view the destruction of our manufacturers and mechanics, (the immediate consequence of this state of things,) I ask, what have we—to what possible resources can we apply—to meet this never-ending drain of our means and money to pay for all the most important necessaries of life thus purchased abroad? In a few years we should be beggared by the operation of such a state of things, and soon after, where the husbandman now goes happily to his plough, and the mechanic sings cheerily to the sound of his axe or his hammer, the country would be rapidly deserted, and, in a few more fleeting years, would present but a wild and melancholy waste, a lasting monument to posterity of our own folly and pusillanimity. And let it not be overlooked by those who would temporarily riot in the profits thus drawn from the hard hand of honest industry, that they would eventually be the losers by their own avidity; for where would be their market for articles received in exchange for their immense surplus produce, when we should be no longer able to buy them? On the other hand, the consequences of the secession of South Carolina from the Union, though that would be an event deeply to be deplored, while the memory of our national glory is retained, would be infinitely to be preferred by us to such a condition of affairs. In the event of her successfully maintaining her separate independence, we should subject all her products, and all her exchanges obtained for them, when introduced among us, to our own tariff; and, if peace did not smile upon us as it heretofore has, we should, at least, by the sacrifice of some of its blessings, maintain our independence of all foreign nations. I tell the honorable members from Carolina, therefore, that, while secession has its terrors for me, nullification presents even still greater evils in perspective; that I have been driven in sorrow to that task of calculating the value of this Union, which I once supposed I could never learn, and which I still think no man can learn, while the constitution stands unimpaired by misconstruction, and that I cannot be deterred from the support of this bill, whose only object is to countervail the effects of their State ordinance and State legislation, by the threat of disunion as a necessary consequence of its passage.

I come then, sir, to the discussion of the main question before us.

Are the ordinance and laws of South Carolina, set forth in the President's message, consonant with the constitution of the United States? If repugnant to the provisions of that sacred instrument, has the State a right to secede from the Union? Have we the power to coerce obedience to our revenue laws? And, if we have such power, are the provisions of this bill such as are proper to secure that obedience?

There never was a question more involved in metaphysical subtleties, than the essential inquiry into the right of nullification and secession has been, by the respective advocates of these different doctrines. They invariably seek out the most refined, and often, I may add, the most indefinable distinctions. It would with them be evidence of gross obtuseness of intellect, to fail always to discriminate between the foundation of the powers of the Government, and the sources from which those powers are drawn; between sovereignty and sovereign power, determining at the same time with precision where each of these originated and where they now remain, and between the effect of a ratification by the people of the United States collectively, and that of a ratification by the same people voting by State divisions. The distinction between a State and the people of a State is made and carried so far, that the State itself is considered as a kind of ethereal, supernatural being, whose essence is illimitable, uncontrollable sovereignty over the very people composing it, and to whose will alone it is indebted for "a local habitation and a name." The recent address to the people of South Carolina, by their delegates in convention, is replete with such distinctions. The passage from that curious State paper, which I am about to read, exhibits the opinions of the convention as to the nature of "sovereignty."

"A foreign or inattentive reader, unacquainted with the origin, progress, and history of the constitution, would be very apt, from the phraseology of the instrument, to regard the States as having divested themselves of their sovereignty, and to have become great corporations, subordinate to one supreme Government. But this is an error. The States are as sovereign now as they were prior to their entering into the compact. In common parlance, and to avoid circumlocution, it may be admissible enough to speak of delegated and reserved sovereignty. But, correctly speaking, sovereignty is a unit. It is 'one, indivisible, and unalienable.' It is, therefore, an absurdity to imagine that the sovereignty of the States is surrendered in part, and retained in part. The federal constitution is a treaty, a confederation, an alliance, by which so many sovereign States agree to exercise their sovereign powers conjointly, upon certain objects of external concern, in which they are equally interested, such as war, peace, commerce, foreign negotiation, and Indian trade; and upon all other subjects of civil government, they were to exercise their sovereignty separately. This is the true nature of the compact."

Sovereignty is, by this authority, "a unit;" it is also "indivisible and unalienable!" and the inference drawn from these premises is, that it is an absurdity to imagine that the sovereignty of the States is surrendered in part, and retained only in part. In vain did the framers of our glorious constitution, in their circular of the 17th September, 1787, declare, while explaining its provisions, and submitting them for popular approbation, that it was "obviously impracticable, in the Federal Government of these States, to secure all the rights of independent sovereignty to each, and yet provide for the interest and safety of all." In vain did they declare that "individuals entering into society must give up a share of liberty to preserve the rest." In vain did they (the States themselves, for as States they addressed this circular, and submitted this constitution to the people) ordain that no State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts. In vain did they provide that no State shall, without the consent of Congress, lay any impost or duty on imports or exports, except what may be absolutely necessary for executing its inspection laws, subjecting, at the same time, all such laws to the revision and control of Congress. In vain did they determine that no State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. And (which renders the position assumed still more preposterous) in vain did the people of South Carolina, on the 23d of May, 1788, solemnly declare to the whole world, that they freely and fully assented to and ratified this constitution. It was reserved for the wisdom of after ages to discover that they had not the power to make a valid contract, because their sovereignty was "a unit, indivisible and unalienable." This position is predicated on no pretended distinction between the alienation and delegation of sovereignty. The object for which it is assumed, is to prove that no part whatever of the sovereignty of the people of South Carolina has been "surrendered." The address distinctly denounces the very expression "delegated sovereignty" as common parlance, or vulgar error, and as utterly inadmissible, except to "avoid circumlocution." Viewing the people of all the States as having delegated the essential rights and attributes of sovereignty which I have just enumerated, I say that the people of no one State can withdraw or revoke them, without the consent of the people of the other States, obtained according to the forms and rules prescribed in the constitution, which all have freely ratified. The Government is but an agent, you tell me. True; but whose agent? Of the people of South Carolina alone? No, but of the people of all the States. Surely a fraction cannot revoke a power which all have conferred. But, even viewing this agent as the creature of South Carolina alone, her own constitution would prohibit her own people from revoking it by a bare majority. Two-thirds of her Legislature must first call the convention, and the delegates of that convention must afterwards be elected by the people. The Carolina doctrine itself denies the power of revocation by a mere Legislature; and, in pursuance of it, the ordinance was made in convention. The sovereignty, "one, indivisible, and unalienable," therefore, has not been found in a bare majority of the people there; for it was agreed to be an essential, an indispensable prerequisite, that two-thirds of the people should order the convention to be elected. But how comes it about that this sovereignty, "one, indivisible, and unalienable," could not move without the consent of two-thirds? Sir, by their own constitution a portion of their sovereignty has been restrained, delegated, and irrevocably alienated even to their own State agents, unless recalled by the edict of two-thirds of their own people. They may, through a majority, overthrow their own State Government no otherwise than by revolution. Yet they maintain that they can, without revolution, overthrow our Government, which is the work of their and our hands, when they, less than one twenty-fourth part of the power which created this Government, please to resume their sovereignty. They admit that they cannot resume this sovereignty as against themselves, in the case of their own Government, without the consent of two-thirds of their own people; while they insist that this same ethereal essence, when brought to bear on themselves and us conjointly, is indivisible, unalienable, and not capable of being delegated or surrendered for any purpose known among men. They have divided this indivisible unit. Carry out the idea, sir, a step further. In some of the States the people must, by a majority of their votes, first direct a convention, and then elect it. In others, the Legislature, by a bare majority, can call it. In others, the people must twice order it by a bare majority of their votes, before it can be called. If each of these States can nullify in convention, whenever they choose to do so, the sovereignty of some operates very differently from that of others. Delaware could nullify at any time, by a majority of all the voters entitled to the right of suffrage. But Kentucky cannot until her majority has, at two successive elections, called the convention; and South Carolina cannot, as we have seen, without the previous consent of two-thirds. The indivisible, unalienable, nullifying unit in Delaware, therefore, is a bare majority; while in Kentucky it is two successive majorities; and in South Carolina, and other States, it is to be found only in two-thirds of all the voters. A citizen in Carolina, therefore, has less nullifying power than a citizen in Delaware. Their political and sovereign rights are so essentially different, that, while the latter has less than one-fifth of the population of the former, one hundred Delawarians can out-nullify more than one hundred and forty Carolinians.

I admit, sir, that, by the very terms of our constitution or form of Government, there is an ultimate sovereignty, a paramount power of amendment and revocation, resting in the people of three-fourths of the States. Undoubtedly, it is true, that this ultimate sovereignty has never been alienated or delegated. It is true, too, that the people of the United States (not of South Carolina alone) have reserved to themselves, or their respective States, all the attributes of sovereignty not delegated by the constitution. Nay, more sir, I recognise, and glory in the recognition of the principles of our revolutionary forefathers, that the right to resist tyranny and oppression, no matter by what power exercised, still exists in every man, not as a constitutional or delegated power, but as an inherent, indivisible, and unalienable right. But this ultra-constitutional and revolutionary right, which, when exercised, must always confessedly subject those who attempt to enforce it to the penalties of treason in the event of their failure, is as widely different from the pretended right of nullification, as the heavens from the earth. It is open, unblushing treason against the Government; and, even when asserted under the gallows, has the merit of being more respectable, because it is more intelligible and daring than nullification. It is not a mere State right, but looks above all the restraints of power. It may be exercised against South Carolina by her own citizens, or against this Government by the people of the United States. It is nothing more than the right of rebellion; the right of self-preservation; the right to fight in self-defence. No man ever did, or ever could part with it. If successfully vindicated in a righteous cause, he who asserts it becomes a hero; if unsuccessfully, a traitor. Ask the nullifier if this is the sovereignty which he refers to as a unit, indivisible and unalienable, and he will tell you, no! He seeks shelter not in his individual resources, but under the ægis of his State; nay, claims protection under the constitution which he seeks to destroy; is horror-struck by the charge of treason, and asserts the right of State interposition as a right reserved in the very bond of our Union: and when, to disprove the right of the State to interpose, you point him to the plain words of the constitution, which negative the right of any State to make war on the rest, which positively prohibit any State to engage in any war, or to keep troops when this Government is at peace, he coolly tells you that these are State rights and attributes of sovereignty, which are, in their nature, unalienable. Sir, this political dogma, understood in the sense of those who use it, never had any foundation in truth. As an axiom of political science, it is unknown among statesmen. Sovereign power must, of necessity, be delegated in all representative Governments; and before the true theory of civil Government was understood, even in the darkness of the feudal and barbaric ages, when arbitrary power most prevailed, sovereignty and sovereign power have been a thousand times transferred by conquest, or alienated by grants, the validity of which was never questioned. As a curious instance among the examples of the alienation of sovereignty itself in a monarchy, by downright bargain and sale, it may not be amiss to recur to a part of the history of the Isle of Man, for a long time the residence of the Earls of Derby, who ruled it as sovereigns, in the strongest sense of that word. The "Kings of Man," a sounding title, sir, clothed with all the essential attributes of sovereignty over an island in the Irish sea, about thirty miles long and ten wide, exercised that power so injuriously to the English Government, in this very matter of impost and revenue, that it became a general depot for smuggling; and, in 1726, the English Government passed an act "authorizing the purchase of the royalties of Man." In 1765, the purchase was actually made of the Duke of Athol, the then sovereign of the island, who, for seventy thousand pounds sterling, and a pension on himself and his dutchess, alienated all the royalties and sovereignty of this little independent kingdom, by a substantial deed of bargain and sale, and annexed it forever to the British empire. The "free trade" ceased, and the English impost laws became efficient by this alienation of sovereignty. Our own purchases of Louisiana and Florida furnish additional examples of the surrender of sovereignty. Under our old confederation, while one State endeavored to protect its own industry by imposts, the protected articles were admitted duty free in another; and for the very purpose, among others, of preventing this, was our constitution formed. The sovereignty of the United States was in the people, and they delegated to the Government of their own creation all the rights of sovereignty with which it is clothed; not by a bargain and sale for money paid, but by a written constitution for blessings secured, which are above all price, and infinitely beyond the power of any man, whether in or out of South Carolina, to calculate.

In short, sir, if sovereignty be a "unit, indivisible and unalienable," in the sense for which that maxim is employed in this address, the inevitable consequence of it is, that there can be but two forms of Government known among men—an absolute democracy, or an absolute and unchangeable despotism. If the people cannot delegate any portion of their sovereign power for their own good, we are, ourselves, usurpers of authority, and may be guilty of treason by the very act of attempting to legislate for their benefit.

The honorable gentleman from Virginia deems it indispensable, while supporting what he terms the democratic doctrines of 1798, to assure us that our Government cannot be sovereign, in any sense of that word; that it is but an emanation from the States, and holds its existence but at the pleasure of the States; and he puts the significant interrogatory, to sustain himself in these positions, can there be such a thing as a citizen of the United States? To this he demands an answer.

I will give him that answer, sir. But, as one of those who claim the proud title of a citizen of the United States, I hold it to be a sacred duty first to describe, for his benefit, the origin and character of that Government which he has so grossly mistaken, and which I will gladly acknowledge as the great protector of me and mine in the enjoyment of that inestimable civil liberty, for which we will never cease to be grateful.

The radical and fatal error into which he has fallen, consists in the omission to discriminate between a Federal

Government, a National Government, and our Government, which is neither exclusively federal nor national, but a compound of both. I shall enter into no inquiry with him, whether a mere confederation, or league, be preferable to a consolidated republic. I tell the gentleman, at once, that I hold the evils of both to be intolerable, and that it is no part of my task to ascertain which of these miserable expedients of man, in his folly, is most replete with the seeds of anarchy or despotism. I am no advocate of a consolidated Government, dearly as I cherish the "consolidation of our Union;" and although I have heard nothing more common, since I became a member here, than noisy denunciations of a consolidated empire, yet, I have never yet learned that any man of common sense contended that our Government was of this description. But, with grief I say it, it has become the fashionable cant of a certain school of politicians, to deny to our constitution every characteristic of a national republic, and to hold it up to the world as a wretched confederacy of independent, sovereign States, the will of each of which is the only rule of its actions.

The history of the origin of this constitution is soon told. It was framed by the States in convention; and, on the 17th of September, 1787, it was, by the same convention of States, directed, first to be submitted to "the United States in Congress assembled," and then "to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification." It was ratified by the people after it had been proposed by the States.

It originated, therefore, in a compact between the people. Could the States grant more than the people? Was the nature of State sovereignty such, that the people could not abridge or abrogate it? To those who will contend for so absurd a doctrine, let the answer be given, that the States themselves were also parties to the compact, and are estopped by their own act to deny its validity. They contracted with the people, by their own proposition, that it should bind them, and each of them. If gentlemen will consider this constitution as a mere compact, let them fairly acknowledge the extent of that compact, and the seals of all the parties to it. Let them say, then, that it was not merely a compact between the States, but between the people and the States; between the people of all the States; between the people of each State, and the State itself; and between the people of each State, and each of and all the other States, and the United States. Let them say that Carolina bound herself by it with her own people, with the people of every other State, and with all her sister States; and that her people bound themselves by it, to and with the people of all the other States, and their State Governments. But let them not then attempt to palliate her ordinance of nullification as a mere breach of contract, or want of good faith. When her people signed the bond, they broke down the State authority by that very act, to the extent of all the power conferred by the bond. They thus far, and to this extent only, obliterated the very divisions and landmarks of the State. They established a Government, in its just powers, above the State Government, which, conscious of its own weakness and inefficiency, asked them first to do so. They voted within the State limits, it is true; they did not assemble with all the people of the other States, at one place, and vote in an aggregate mass; and, because the people of the United States did not do this, which it was utterly impracticable for them to do, we are constantly told, by some of the veriest drivellers that ever misconstrued the effect of a popular act, that their ratification must be held to be a mere State ratification, and to create nothing more than a mere league between the States. Why, sir, if this voting for delegates by State divisions makes their constitution nothing more than a league of States, it must make it something less. They did not vote by States, *en masse*, but by counties, by hundreds, by townships, and parishes. We ought not then to consider our Government as a confederacy of States, but a compact and league between the most petty subdivisions of the States; and we have formed a confederation of counties and towns, the people of each of which may, at any time, nullify our laws, and stand chargeable only with a breach of compact! The delegates of the people of each State acted in separate conventions; and not in one general convention; and were chosen, not by general ticket voted throughout the United States, but by tickets voted in such divisions as the State Legislatures prescribed. The convention of the States that framed the constitution prescribed this mode, among other reasons, for the convenience of the people, and as best adapted to ascertain their sentiments. Had they voted by general ticket, the qualifications, as well as the true sentiments of many delegates, might have been unknown to nearly one-half the voters. Besides, the object in view could be obtained in no other mode, for the sovereignty of each State could be properly delegated only by its own people. Had they voted *en masse*, the aggregate majority could not have alienated any portion of the sovereignty of any member of the confederacy whose people had dissented from the act.

Originating, as the Government did, then, both from the States and the people, the "foundation of its powers" would have authorized the creation of a mere confederation, or of a Government exclusively national, or of a Government combining in itself the essential properties of both. I proceed, briefly, now to consider the nature and character of this Government, and the operation of its powers.

The House of Representatives is a body in which the people alone are represented. In the Senate the States alone are represented, without reference to the number of people within their limits. The Executive, exercising a qualified veto on the laws, is the representative of the people and the States combined. These co-ordinate branches of the legislative power are checks on each other, as the Senator from Maine [Mr. HOLMES] has described them. It is, indeed, sir, literally true, that less than one-fifth of the people, by the agency of the representatives of States in this Senate, could now defeat any law proposed by the immediate delegates of the people of the United States in the other branch of Congress. That House is national or popular; this, federative; and the Executive is both national and federative. Well may it be said, that there never was a Government before it, in which the rights of a minority were so completely protected. But this protection does not stop here. Should all these departments of the legislative power concur in trampling on a minority, by the enactment of an unconstitutional law, it may appeal for protection against the operation of that law to the Judiciary, another branch of the Government, the members of which are appointed by the President, by and with the advice and consent of the representatives of the States in this body. And, lastly, should the Judiciary decide in favor of an oppressive law, there lies an appeal to the people to remove the agents who have been guilty of the oppression. The fate of the alien and sedition laws would furnish the honorable member from Virginia with what he would deem an apt illustration of the effective operation of this last and most important check on the exercise of power.

Sovereign power was not only considered as divisible by those who formed this Government, but we see that the chief beauty of their whole structure consists in the many divisions which have been made of it. One portion of it is to be found in the House of Representatives, which, for example, can alone originate impeachments and bills for raising revenue. Another portion of it is in the Senate, which, while it generally exercises concurrent legislative power with the House, has the peculiar right to check the

Executive in the administration of the appointing power, and constitutes the National Judiciary in all cases of impeachment. Another portion of sovereign power is in the Executive; another in the Congress and the President combined; another in the Judiciary; another in each State, which can never lose her equal representation in the Senate, without her consent; another in a majority of the people of each State; and another in three-fourths of all the States.

The people have conferred upon the judicial department of their Government the power to settle, in the emphatic language of a resolution of the Legislature of Delaware, which I received yesterday, and which it gives me pleasure to sustain to-day, "all controversies between the United States and the respective States, and all controversies arising under the constitution itself." I view this judicial power as a necessary incident to the right of self-preservation existing in the Government, and as being expressly delegated by the constitution. The gentleman from Virginia contends that, when Governments come into collision, the Supreme Court of the United States cannot decide; and the gentleman from Kentucky [Mr. Bibb] takes a distinction between political and judicial power, and avers that the question now in agitation, touching the constitutional power of South Carolina to nullify the laws, cannot be decided by the court, because the decision would involve the exercise of political power.

When Mr. Marshall, the present illustrious president of the court, in his place as a member of the House of Representatives, took the distinction relied upon between judicial and political power, he clearly explained and defined it. I want no better authority than his to sustain my positions, though the adversary argument has been rested upon it. His conceptions, as expressed by himself in that debate, on the case of Jonathan Robbins, was, that the court could decide only in cases brought before it; that it could do nothing of its own mere motion. It has no legislative or executive power; but in every case, in law or equity, which can arise under the constitution or laws, it is, as the courts of the United States are now organized, the sole arbiter, either in the first or in the last resort. And nothing has ever fallen from Mr. Marshall to contradict this principle; on the contrary, the whole current of authorities in the court sustains it.

The true point in issue between us is therefore limited to this: can the question as to the validity of the South Carolina ordinance and legislation, referred to in the Executive message, and whose sole object is to annul and evade our revenue laws, arise before the court? Why not? If it be not presented for determination there, no other intelligible reason can be stated to account for the fact, than the refusal of those who are interested in the matter to bring up that point. In an action for a breach of our tariff laws, the citizen of South Carolina who may claim the benefit of this State interposition, may plead the special matter in bar to the action setting forth the ordinance and laws under which he demands protection. The attorney for the Government must demur to the plea, because the facts contained in it are not traversable. The judgment of the court below and of the court in appeal must be on the very question, whether this ordinance and these laws are constitutional. Will any professional gentleman here deny this? Will any one of them oblige us by stating what difficulty exists in this mode of presenting the whole question in controversy between us to this tribunal? Sir, I defy their scrutiny. They know, as I do, that the case is one which can easily arise before the court, if they dare to submit its decision to that tribunal which the constitution has designated for the purpose.

The President, in his late message in reference to this most interesting subject, has brought back the Government to the true principles of the constitution, and maintained the authority of the court as I have stated it. The sentiments of the Vice President elect coincide with his. Mr. Van Buren, in his speech on the Judiciary in 1826, says:

"It has been justly observed, that there exists not upon this earth, and there never did exist, a judicial tribunal clothed with powers so various, and so important, as the Supreme Court.

"By it treaties and laws made pursuant to the constitution are declared to be the supreme law of the land. So far at least as the acts of Congress depend upon the courts for their execution, the Supreme Court is the judge whether or no such acts are pursuant to the constitution; and from its judgment there is no appeal. Its veto, therefore, may absolutely suspend nine-tenths of the acts of the National Legislature.

"Not only are the acts of the National Legislature subject to its review, but it stands as the umpire between the conflicting powers of the General and State Governments. But this is not all. It not only sits in final judgment upon our acts as the highest legislative body known to the country; it not only claims to be the absolute arbiter between the Federal and State Governments; but it exercises the same great power between the respective States forming this great confederacy and their own citizens.

"There are few States in the Union, upon whose acts the seal of condemnation has not, from time to time, been placed by the Supreme Court. The sovereign authorities of Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, Missouri, Kentucky, and Ohio, have in turn been rebuked and silenced by the overruling authority of this court. I must not be understood, sir, as complaining of the exercise of this jurisdiction by the Supreme Court, or to pass upon the correctness of their decisions. The authority has been given to them, and this is not the place to question its exercise."

In opposition to all authorities, however, honorable gentlemen quote the Virginia resolutions of 1798, and the report on them in 1799. Mr. Madison, who has recently explained a report, of which he was himself the author, is considered by them as not now correctly understanding what he himself wrote; and we are told that Virginia alone can expound what she meant by her resolutions. While I utterly deny her right to expound for the rest of the world the constitution of the United States; while I hold lightly even her own resolutions, drawn and sent out, as I shall ever believe, chiefly for their political effect in a pending contest for political power between herself and another section of the country; I say to her representatives here, that if she meant in 1798, or in 1799, to deny the powers of the Supreme Court, and arrogate to herself the authority to decide in the last constitutional resort on the laws of Congress or the constitution of the United States, she has repealed her resolutions by still later resolutions, in reply to those of Pennsylvania, in regard to the Olmstead case. My honorable friend from New Jersey [Mr. Frelinghuysen] has shown us that when Pennsylvania proposed, in 1810, to amend the constitution, by appointing an arbiter between the decisions of the States and the General Government, Virginia, by an almost unanimous vote of her Legislature, in answer to the proposition, referred Pennsylvania to the court as the only proper arbiter, and recognised the very principles against which one of the Virginia representatives is now contending. Be it the part of others to attempt to exonerate her from the charge of inconsistency at these different periods—that is no task of mine. I think with the Senator from Maine, [Mr. Holmes] that when she has been in power, as she was in 1810, she has generally been a safe expounder of the constitution; but that her political expositions made when out of power, and struggling to obtain it, as she was in 1798, should form no law for others, as we know they have been disregarded by herself. The Senator from Virginia really endeavors to nullify the resolutions of his own State in reply to the proposition of Pennsylvania. He says the last resolutions could not have been well considered, because they were unanimously adopted; and although I have on a former occasion heard the honorable member express the same sentiment, my astonishment has not been diminished by the repetition of it. If a unanimous vote given by Virginia in 1810, in support of my principles, be evidence that she at that day misunderstood the constitution, or spoke without consideration, I am at a loss to imagine how her resolutions, passed by a majority in 1798, now cited to sustain other doctrines, are entitled to any weight whatever. The honorable member is himself not satisfied with the denunciations of the last resolutions of his own State, merely on account of the unanimity with which they were adopted. He seeks to reconcile them with his opinions, and for this purpose invents a distinction between a proposition for the appointment of an arbiter between the States and the Federal Government, which, he says, Virginia never refused to consider, and a proposition for the appointment of an arbiter between the courts of the States and the courts of the Federal Government, which last, he says, was the proposition made by Pennsylvania, and negatived by Virginia. With all due respect for the honorable member, I must reject his distinction as a metaphysical refinement, and as a mere evasion of the true force of the language in which Virginia spoke in her best days. The courts of the States and the courts of the General Government are the official judicial expositors of their respective Governments; and when the judges of the former are compelled to bend before the superior power of the judges of the latter, as they were in the Olmstead case, the State power yields to the supremacy of the federal power, within its appropriate sphere of action. Through the courts of these respective Governments are they always properly brought into collision; and whenever State judges, who are compelled to take an oath to support the federal constitution, either through State pride or prejudice, or in obedience to State power, or from any other cause of error, fail to recognise the just superiority of this Government, their decisions must be submitted to the supervision and control of the federal courts—peaceably, if possible; forcibly, if necessary.

Nothing appears to me more absurd than that eternal declaration daily ringing in our ears, that a Government which has the right to decide on the extent of its own powers, is a Government without limitation of powers—a consolidated empire, and an absolute despotism. Yet we not only hear this declaration made with a view to break down the courts, which form the best bulwark of our republic, but we also hear arguments adduced to attain the object in view, from the history of the constitution itself. Witness the following statement in support of the right of nullification, extracted from the same address of the South Carolina convention to which I have already referred:

"It is fortunate for the view which we have just taken, that the history of the constitution, as traced through the journals of the convention which framed that instrument, places the right contended for upon the same sure foundation. These journals furnish abundant proof that 'no line of jurisdiction between the States and Federal Government, in doubtful cases,' could be agreed on. It was conceded by Mr. Madison and Mr. Randolph, the most prominent advocates for a supreme Government, that it was impossible to draw this line, because no tribunal sufficiently impartial, as they conceived, could be found; and that there was no alternative but to make the Federal Government supreme, by giving it, in all such cases, a negative on the acts of the State Legislatures. The pertinacity with which this negative power was insisted on by the advocates of a National Government, even after all the important provisions of the judiciary or third article of the constitution were arranged and agreed to, proves, beyond doubt, that the Supreme Court was never contemplated by either party in that convention, as an arbiter to decide conflicting claims of sovereignty between the States and Congress; and the repeated rejection of all proposals to take from the States the power of placing their own construction upon the articles of union, evinces that the States were resolved never to part with the right to judge whether the acts of the Federal Legislature were, or were not, an infringement of those articles."

Mr. C. also referred to a passage of the same purport, in Mr. Calhoun's letter, addressed to Governor Hamilton during the last summer. He then continued:

I tell the Senator from South Carolina that he cannot defend the historical statements contained in this letter. It shall be my business to show how erroneously the facts have been stated upon which these conclusions have been based. The constitution declares that treason against the United States shall consist in levying war against them, or in adhering to their enemies, giving them aid and comfort. If the people of South Carolina, when levying war against this Government, can be exempted from the operation of this clause by State interposition, it must be in consequence of some exception contained in the instrument recognising that State right. Such a right cannot exist without some correlative obligation on the part of the Government to respect it. But the constitution acknowledges no such obligation. It denounces the penalties of treason against all who levy war against the United States, without any salvo for State nullifiers; and history tells us that a proposition to save from its operation such as should levy war under the authority of a State was actually voted down in the convention that framed the instrument.

That proposition was made by Luther Martin, one of the delegates from Maryland, a man of distinguished ability and great legal attainments, representing one of those small States, the safety of which was believed to depend on the establishment of a purely federative Government. He opposed the adoption of the constitution, and refused his signature to it. The House of Delegates of Maryland having demanded of him his reasons for refusing to sign the constitution, he appeared before it, and assigned those reasons, embracing in the view he then took of the constitution nearly all the objections to it which have since been urged by others. He objected especially to the powers given to the Supreme Court, and to the clause providing for the punishment of treason. These powers, he contended, consolidated the Government; and he wished to reserve to the States the right of resisting them when arbitrarily exercised. He thought the time might come when the safety of a State might render it necessary to resort to the sword; in which case, as he complained, the constitution provided that every one of her citizens resisting the laws of the Federal Government should be dealt with as traitors. I refer you to his own language:

"It is declared that treason against the United States shall consist in levying war against them, or in adhering to their enemies, giving them aid or comfort.

"By the principles of the American revolution, arbitrary power may and ought to be resisted, even by arms, if necessary. The time may come when it shall be the duty of a State, in order to preserve itself from the oppression of the General Government, to have recourse to the sword; in which case, the proposed form of Government declares that the State, and every one of its citizens who act under its authority, are guilty of a direct act of treason," &c.

"To save the citizens of the respective States from this disagreeable dilemma, and to secure them from being punishable as traitors to the United States, when acting expressly in obedience to the authority of their own State, I wished to have obtained as an amendment to the third section of this article the following clause: 'Provided, that no act or acts done by one or more of the States against the United States, or by any citizen of one of the

United States, under the authority of one or more of the said States, shall be deemed treason, or punished as such; but, in case of war being levied by one or more of the States against the United States, the conduct of each party towards the other, and their adherents, respectively, shall be regulated by the laws of war and of nations.'

"But this provision was not adopted, being too much opposed to the great object of many of the leading members of the convention, which was by all means to leave the States at the mercy of the General Government, since they could not succeed in their immediate and entire abolition."

Such was the language of one of the delegates that framed the constitution, while standing before the Legislature of the State for which he had acted, and endeavoring to dissuade her people from ratifying this constitution. He tells them that he had offered an amendment to authorize resistance to the laws of the Federal Government by the States; that this amendment was rejected; and that the consequence of that rejection is such, that, should the people of the State of Maryland adopt the instrument, she can never after resist the laws of the General Government, without incurring for all her citizens employed in such resistance the pains and penalties of treason.

Mr. CALHOUN: If the authority of Mr. Martin be good, it ought to be taken on both sides; and if the Senator from Delaware will read further on, he will find that a proposition to protect manufactures was voted down.

Mr. CLAYTON proceeded to follow his argument on the single question before him. When the other question suggested by the gentleman from South Carolina, touching the protection of domestic manufactures, shall arise, it will be time to show him that no motion, either of Mr. Martin, or of any other delegate, reserving to the General Government the power of protecting domestic manufactures, was ever rejected by the convention, though the same power was expressly taken from the States; and the motion to which the gentleman has referred, was a motion to confer the power of protection, not on the General Government, but on the States.

The same distinguished delegate from Maryland is equally explicit as to the true meaning of that part of the constitution creating the judicial power. His statement to the people of Maryland on that subject thus proceeds:

"By the third article, the judicial power of the United States is vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. These courts, and these only, will have a right to decide upon the laws of the United States, and all questions arising upon their construction, and in a judicial manner to carry those laws into execution, to which the courts, both superior and inferior, of the respective States, and their judges, and other magistrates, are rendered incompetent. To the courts of the General Government are also confided all cases in law or equity, arising under the proposed constitution, and treaties made under the authority of the United States; all cases affecting ambassadors or other public ministers, and consuls; all cases of admiralty and maritime jurisdiction; all controversies to which the United States are a party; all controversies between two or more States; between citizens of the same State, claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens, or subjects. Whether, therefore, any laws or regulations of the Congress, or any acts of its President, or other officers, are contrary to, or not warranted by, the constitution, rests only with the judges who are appointed by Congress to determine; by whose determinations every State must be bound. Should any question arise between a foreign consul and any of the citizens of the United States, however remote from the seat of empire, it is to be heard before the Judiciary of the General Government, and in the first instance to be heard in the Supreme Court, however inconvenient to the parties, and however trifling the subject of dispute."

I view this as historical authority, coming from the highest source. It was not, like some things we have heard on this subject, coined for this occasion. It was given to the world at a time when the constitution was under consideration before the people. It ought, sir, to be respected by our opponents, for the author was himself, as appears by his views, a distinguished nullifier. I put it now to the gentleman from South Carolina to answer me, with what propriety could the State of Maryland, whose people adopted this constitution, with a full knowledge of all these facts, under the solemn assurance from her own delegate that no power was reserved in her to decide upon or abrogate the laws of the Union, maintain or defend the right of State nullification or State secession? If she could not, neither can South Carolina.

Let us next examine the history of the constitution, as traced through the journals of the convention, relied upon, as we have seen, by South Carolina statesmen, in support of this pretended right of nullification. On the 31st of May, 1787, "it was resolved, that the National Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation, and moreover to legislate in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation; and to negative all laws passed by the several States, contravening, in the opinion of the National Legislature, the articles of the Union, or any treaties subsisting under the authority of the Union."

It does not appear that there was any division of sentiment on the adoption of this resolution. At that early period of the convention, it was thought proper to check State legislation by national legislation: the propriety of checking it by the National Judiciary was not yet determined upon. On the 8th of June Mr. Pinckney moved, seconded by Mr. Madison, to extend this power in the National Legislature, so far as to authorize them "to negative all laws which shall appear to them improper;" but this motion, which would have effectually consolidated the Government, failed by a vote of seven States against three. The resolution of the 31st of May, vesting in the National Legislature the judicial power of determining what State laws contravened the articles of union, or treaties under the authority of the Union, appears to have remained the sentiment of the convention until the 17th July, when, by a vote of seven States against three, it was stricken out, and it was unanimously resolved, "that the legislative acts of the United States made by virtue and in pursuance of the articles of union, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective States, as far as those acts or treaties shall relate to the said States, or their citizens and inhabitants; and that the judiciaries of the several States shall be bound thereby in their decisions: any thing in the respective laws of the individual States to the contrary notwithstanding."

The gentleman from South Carolina, in his letter to Governor Hamilton, relies on the vote of the 17th July, which negatives the resolution of the 31st of May, to prove that the sentiment of the convention at that time was, that no power should be vested in the General Government to contravene the acts of the States. Yet, on that same day, and immediately before the passage of that vote, it was "Resolved, on the motion of Mr. Bedford, of Delaware, That Congress should legislate, in all cases, for the general interest of the Union; and also in those to which the States are separately incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation." Why, then, was the resolution of the 31st of May repealed on the 17th of July? Evidently, not as the gentleman from

South Carolina has supposed, for the purpose of determining that the General Government should not check State legislation when contrary to its own, but because they had, at that time, seen the impropriety of conferring judicial power on a legislative body; and, accordingly, on the very next day, being the 18th of July, they "unanimously resolved, that the jurisdiction of the National Judiciary shall extend to cases arising under laws passed by the General Legislature, and to such other questions as involve the national peace and harmony."

Mr. CALHOUN: If the gentleman will refer to the journals, he will find, that in August after this, the convention refused to give this Government any power to negative State laws interfering with the general interests and harmony of the Union.

Mr. CLAYTON: True, sir. On the 23d of August, after the important provisions of the judiciary or third article of the constitution were arranged and agreed to, it was moved and seconded to agree to the following proposition, as an additional power to be vested in the Legislature of the United States: "To negative all laws passed by the several States, interfering, in the opinion of the Legislature, with the general interests and harmony of the Union, provided two-thirds of the members of each House assent to the same." And, after an unsuccessful effort to commit this proposition, it was withdrawn. It was not adopted, clearly because it was a new proposition to confer judicial power on the National Legislature after the convention had resolved to confer all the power necessary for checking State legislation on the National Judiciary. No body of men ever was more sensible of the necessity of keeping separate the judicial, the legislative, and the executive power, than that which framed the American constitution was at this period; and yet, their determination to separate these different departments of the Government, is the very circumstance relied upon on the part of South Carolina to demonstrate the want of any judicial control over her State legislation. Proposals to blend judicial with legislative power, rejected, as they were, by the convention, are construed into propositions to take from the States the power of placing their own construction upon the articles of union; and we are gravely told by the South Carolina convention, and by her Senator here, that these votes evince the determination of the States never to part with the right to judge whether the acts of the Federal Legislature were, or were not, an infringement of these articles.

There is one class of cases in which the National Legislature exercises the power of revision and control over State legislation. The States are prohibited, without the consent of Congress, to lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing their inspection laws; and it is provided that all such laws shall be subject to the revision and control of Congress. On the 15th September, 1787, it was moved in convention, to strike out this proviso, the effect of which motion, if successful, would have been to subject these State inspection laws to the supervision of the National Judiciary, but not of the National Legislature. The motion failed, and the retention of this power of revision and control in Congress clearly exhibits the exceeding jealousy, on the part of the convention, of any State interference on the great subject of imports and duties, over which South Carolina has recklessly extended her State ordinance and State legislation.

The action of the Federal Judiciary, and, indeed, of the Federal Government, generally, is not upon States, but upon individuals. A law-suit can hardly arise between a State and the United States. It would seem needless to discuss the question, whether the Supreme Court of the United States could entertain jurisdiction of a case between this Government and one of the States. Yet, as this jurisdiction has been denied, it may not be amiss to advert to the fact, that the second section of the third article expressly extends the judicial power to all "controversies to which the United States shall be a party;" and ordains that, in those cases in which a State shall be a party, the Supreme Court shall have original jurisdiction. A prevailing error of the gentleman from South Carolina, in all his expositions of the constitution, in relation to this subject, appears to me to consist in this: that he supposes this Government, in order to enforce its laws, in defiance of the ordinance of South Carolina, must be first driven into a law-suit with that State as a State; but no such suit is necessary or would now be proper. The object of the bill before us is to enforce obedience from the citizens of South Carolina, as American citizens, not to punish the State, or to declare "war against her for her unjustifiable ordinance." We do not recognise her right to assume the attitude of a belligerent nation towards this Government, or any of her sister States; and we claim no right to make war upon her as a sovereign and independent State. On the contrary, we expressly repudiate the whole doctrine which holds her up as a foreign nation: we concur with Luther Martin, that allegiance is due from her citizens to the United States, and that, if they levy war against this Government, they incur, by that act, all the pains and penalties of treason. Nevertheless, I will take the pains to refute the argument drawn by the gentleman from South Carolina, in his letter to Governor Hamilton, from the journals of the convention, touching the power of the Supreme Court to decide a controversy between the United States and one of the States. It is truly stated in that letter, that, on the 20th of August, 1787, the following, among other propositions, was referred to the committee of five: "The jurisdiction of the Supreme Court shall be extended to all controversies between the United States and an individual State, or the United States and the citizens of an individual State;" but the historical information given by the gentleman in that letter is essentially erroneous; for the writer supposes that the subject was never moved in convention again. So far from this being true, it appears from the journals, that, on the 22d of August, the honorable Mr. Rutledge, from South Carolina, chairman of the committee to whom this and other propositions were referred, reported in favor of it. The last sentence of the report is in the following words: 'Between the fourth and fifth lines of the third section of the eleventh article, after the word 'controversies,' insert 'between the United States and an individual person.' "

Mr. CALHOUN. What I have denied is, that that report was ever adopted by the convention.

Mr. CLAYTON: Then the gentleman is entirely mistaken; for as appears by the journal of the convention of the 27th of August, just five days after the report was made, while the convention was engaged in considering the draught of the constitution, reported on the 6th of August by the committee of five, the 3d section of the 11th article in that draught came before the House, which was in the following words: "Article eleventh, section third. The jurisdiction of the Supreme Court shall extend to all cases arising under laws passed by the Legislature of the United States; to all cases affecting ambassadors, other public ministers and consuls; to the trial of impeachments of officers of the United States; to all cases of admiralty and maritime jurisdiction; to controversies between two or more States, except such as shall regard territory or jurisdiction; between a State and citizens of another State; between citizens of different States; and between a State or the citizens thereof, and foreign States, citizens, or subjects. In cases of impeachment, cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the jurisdiction shall be original."

It was then moved and seconded to add the following words after the word "controversies," third section, eleventh article—"to which the United States shall be a party;" which passed in the affirmative.

It was also moved and seconded to insert the word "controversies" before the words "between two or,"—passed in the affirmative.

It was moved and seconded to insert the words "the United States or" before the words "a State shall be a party," which passed in the affirmative.

Thus we see, sir, that, on the 27th of August, 1787, the convention did in fact adopt the whole of this part of Mr. Rutledge's report, by extending the jurisdiction of the Supreme Court to all controversies whatsoever to which the United States shall be a party. The amendments made that day now stand incorporated in the constitution, and posterity will recur to them only for the purpose of showing that a special vote was taken in convention on the very question, whether the court should have jurisdiction over all possible cases in which the United States may be interested, whether against a State or private individuals.

Mr. CALHOUN: But will the gentleman contend that a State may be sued since the adoption of the eleventh amendment?

Mr. CLAYTON: The eleventh amendment prevents any suit against a State by citizens of another State, or by citizens or subjects of any foreign State; but does not in any way impair the right of the United States to sue a State. It was never designed to impair that right.

The historical evidence of the intentions of the framers and friends of the constitution does not stop with the journal. Their cotemporaneous expositions in "the Federalist," and the debates in the conventions of the people for adopting the constitution, all show the fatal error into which the South Carolina convention has fallen. Mr. Madison, in the Virginia convention, said, "It may be a misfortune that in organizing any Government, the explication of its authority should be left to any of its coordinate branches. There is no example in any country where it is otherwise. There is a new policy in submitting it to the Judiciary of the United States." Mr. Stillman, in the convention of Massachusetts, said, "The very term 'Government' implies a supreme controlling power somewhere: a power to coerce, whenever coercion shall be necessary; of which necessity Government must be the judge." A complete answer to all that part of the address which denies the power of the court, and asserts the right of a State to decide for itself as one of the parties to a compact, was given by Mr. Wilson, in the convention of Pennsylvania, about forty-five years ago. "I cannot," says he, "discover the least trace of a compact in the system. The State Governments made a bargain with one another: that is the doctrine that is endeavored to be established by gentlemen in opposition; their State sovereignties wish to be represented. But far other were the ideas of the convention, and far other are those conveyed in the system itself. I know very well all the commonplace rant of State sovereignties, and that Government is founded in original compact. This does not suit the language or genius of the system before us. It is not a contract or compact; the system itself tells you what it is. It is an ordinance, an establishment of the people."

Governor Johnston, in the convention of North Carolina, said, "The constitution must be the supreme law of the land; otherwise it will be in the power of any one State to counteract the other States, and withdraw itself from the Union. The laws made in pursuance thereof by Congress ought to be the supreme law of the land; otherwise, any one State might repeal the laws of the Union at large. Every treaty should be the supreme law of the land; without this, any one State might involve the whole Union in war." Sir, I will trouble you with no further quotations. The history of 1787 is full of them, and he who consults it will be astonished that South Carolina should have appealed to it to support her. Vain, vain, indeed, sir, was that boast of the gentleman from Virginia, that "the nationals were routed in that day." No, thank God! however they may have been of late years thrown into the shade by the false glare of that burning heresy which holds out this Government as a mere confederation of States, we know that theirs were the principles of the fathers of the constitution, and that they gloriously triumphed when that sacred ordinance rose upon the ruins of a helpless league and a state of unbridled anarchy.

The honorable member from Kentucky [Mr. Bibb] has stated, with great ingenuity, some cases in which the Supreme Court may abuse its powers while exercising its appellate jurisdiction. In his view, the features of this great tribunal are essentially monarchical, because the judges are appointed virtually for life; and, being liable to no other responsibility than the nominal power of impeachment, may, he thinks, at any time establish the most despotic principle, without any possible control, save that of revolutionary resistance to their decision. Were all this true, the argument which demonstrates the possibility of abusing power does not disprove the existence of the power in the court to decide, in the last resort, on all cases arising under the constitution and the laws. But it is not true. By the constitution the appellate jurisdiction of the court is expressly made liable to such exceptions, and placed under such regulations, as Congress shall establish. Should an extreme case, such as the Senator from Kentucky has supposed, ever occur, the remedy is not revolution, or war on the Government, but a discreet and cautious exercise of the power of Congress to curtail the appellate jurisdiction of the court. For any other purpose, save that of preventing the destruction of the Government itself, the appellate powers of the court should never be essentially changed.

Having thus far, Mr. President, developed my views of the character of this Government, I return to the point from which I departed, to answer the interrogatory of the gentleman from Virginia—can there be such a thing as a citizen of the United States? There are some thirteen millions of human beings within their limits, who are, as we have seen, liable to the punishment of treason when levying war against them; all bound to consider their laws and their constitution as supreme; all indebted to their Government for protection; all contributing to the support of that Government, and compelled to obey it, both in peace and in war; forming, together, for all the great purposes enumerated in their constitution, one people and a single nation. The allegiance of the people is rightfully due, because it has been freely given to the United States; and its duties can, and ought to be, strictly enforced by the severest of all penalties when traitorously withheld. The laws of this Government, and the various treaties it has made, recognise the character of citizen, in its broadest signification, as properly belonging to every free man born and residing within its limits, or naturalized by means of its legislation. Can the gentleman from Virginia still deny that he is a citizen of the United States?

Mr. TYLER: I deny that I am a citizen of the Government of the United States. I do not deny that I am a citizen of the United States.

Mr. CLAYTON: It is no part of my purpose to bandy useless metaphysical distinctions with any member here. He is as much a citizen of this Government, as a Frenchman is a citizen of the Government of France, or an Englishman of the Government of his country. But all the acknowledgment that I desire of the honorable gentleman, in order to compel him to admit the justice of the principles upon which this bill is founded, is, that he, and all those upon whom the bill is intended to operate, are citizens of the United States. When the gentleman has made that admission, in vain will he contend that his obligations to Virginia are higher than those which he owes to the Federal Government; in vain will he contend that his most valuable rights are best secured to him by the State. Were Virginia the separate nation which his argument would make her appear to be, her citizens would soon find the difference between that protection which they now enjoy, as citizens of our common country, and such protection as she could give them. High as she now justly stands among her sister States, forming, with them, an impregnable bulwark for all our countrymen against foreign aggression, she would, single-handed, make but a very sorry figure in a contest with any considerable foreign Power.

Sir, were it not for sheer compassion towards some of those gentlemen who indulge us so often with extravagant declamation about State power and State supremacy, it would be well to ring the truth daily in their ears, until they are cured of these diseased imaginations, that neither the "old dominion," nor even the "empire State" herself, could singly, and successfully, measure strength with one of the second rate powers of Europe. The gentleman from Virginia, who has filled his present station with so much honor to himself and usefulness to his country, denies that he is a Senator of the United States, and asserts that he is only a Senator of Virginia. He denies the very existence of such a character as that of a Senator of the United States. Each member here, in his view, is bound to legislate for his own State, and can represent no other. But where is the clause in the constitution which recognises a Senator of Virginia, of Delaware, or any other single State, in this hall? This is not the Senate of Virginia, but of the United States. The honorable member says that he acts here only in obedience to the wishes of Virginia; that he yields obedience to this Government only because Virginia wills it. The constitution and laws of the United States have no binding force with him from any other cause than this, that Virginia commands him to obey them. The result of all this doctrine is, that, whenever Virginia wills it, he will violate this constitution, and set these laws at defiance. In opposition to all this, hear the creed of a national republican: I obey this constitution, and act as a Senator of the United States under it, because I have sworn to support that constitution. I hold myself bound, while acting in my station here, to legislate for the benefit of the whole country, not merely for that of any section of it; and, in the discharge of my duty, I will look abroad throughout this wide republic, never sacrificing the interests of any one part of it merely to gratify another, but always dealing out and distributing equal justice to all my countrymen, wherever they may be located, or by whatever title they may be distinguished from each other.

I cannot dismiss this subject without entering a general protest against the mode of argument adopted by gentlemen on the other side. Throughout the whole debate, they have constantly supposed that all the parts of our system of Government will be simultaneously corrupt. Their argument is bottomed on the belief that Congress, the Executive, the Judiciary, and even the people themselves, will be lost to all regard for the true interests of the nation. The remarks of the honorable gentleman from Kentucky dwelt much on supposed cases of the abuse of federal power; but it seemed that his imagination could never reach a possible case of the abuse of those powers which he claimed for the States. While the advocates of South Carolina are indulging in suppositions so degrading to this Government and the people of these States, why is it that she, with her ordinance of nullification, her replevin laws, her test oaths, her virtual disfranchisement of her own citizens for an honest difference of political opinion, not only escapes all their censure, but is actually applauded by them for her tyranny and oppression? As gentlemen have indulged so much in arguments founded on extreme cases, I will give them one by no means so extravagant as some which they have put to us, to illustrate the consequences of their own doctrine. A State has about ten thousand votes. Suppose some ten or twelve thousand aliens should be sent into that State by some foreign nation, for the very purpose of working out the doctrine of nullification there. If the doctrine be sound, these aliens may all be naturalized, without incurring any obligation of obedience to this Government by the oaths they may take at the time of their naturalization. Suppose that, in conformity with the great object for which they were sent, they elect a convention of nullifiers, and proceed in due form to abrogate all the acts of Congress, and pass all laws necessary for giving their ordinance effect; what an easy and most effectual mode for any foreign nation to subdue this Government, and break up this Union; and how strange is it that no foreign nation has ever yet been wise enough to adopt so cheap a plan of destroying that Government which has been the object of so much jealousy to tyrants! During the continuance of the old confederation, the State of Delaware alone nullified an embargo act, to which all the other States had yielded their assent, at a time when that act was considered by many to be the only means of salvation for the army. Under that form of Government, as one of the parties to a mere compact of States, she had the unquestionable power to nullify the law; but when the convention which framed our present constitution was engaged in deliberating on the propriety of adding a national character to the Federative Government, Mr. Madison mentioned this very fact to illustrate the necessity of rendering the laws of the Union supreme.

Before the constitution was adopted, the old confederation itself, weak and inefficient as it was, had the power, in the opinion of Mr. Jefferson, to enforce the execution of its own revenue laws. In his letter to Mr. Cartwright, in 1787, he is full and explicit on this subject. The force which he desired to employ to compel obedience on the part of the States to the requisitions of the old Congress, was the naval power. [Mr. C. then referred to two other letters of Mr. Jefferson, sustaining the same opinion.]

I come next, sir, to a brief consideration of the question, are the provisions of the bill before us such as are proper to secure that obedience to the laws of this Government which the proceedings of South Carolina are calculated to withhold? The leading clause in this bill, authorizing the President to employ the land and naval forces of the Union to arrest the unconstitutional proceedings of the officers of South Carolina, should they attempt to rescue imported goods from our revenue officers, has been the subject of bitter denunciation by Southern gentlemen, and particularly by the gentleman from Virginia. Sir, this is almost a literal transcript from the act of 1809, for enforcing the embargo law. [Mr. C. read the eleventh section of that act, to show that it employed the very words of the bill before the Senate.] Let us now inquire who voted for an act so similar in its provisions to that now before us. Fortunately, the journals of Congress of that day have preserved the yeas and nays on a motion to strike out the eleventh section of the embargo law. In both Houses, nearly all the representatives from Virginia, North Carolina, South Carolina, and Georgia, voted for a bill, which, when now sought to be applied to a different section of the country, is the object of their animadversion and horror. As strong remonstrances were then made against the passage of this law by Congress from other parts of the United States as are now presented in behalf of South Carolina, and were then, as they will be now, made in vain.

That part of the bill which authorizes the President to remove the custom-house from land to water, and directs the collection of duties in cash whenever that shall be conceived necessary in order to secure the collection of the duties, is considered as unconstitutional by the gentleman from Virginia, because it delegates power to the President, which, in his opinion, can be exercised by Congress alone.

Mr. TYLER explained: He said his argument was, that the constitution devolved on Congress no right to deputize another to execute their power.

Mr. CLAYTON: But the constitution expressly gives to Congress the power "to regulate commerce;" and in the execution of that power, it has been found indispensable to employ agents to act in certain contingencies at their own discretion. If Congress cannot empower a collector to demand payment of the duties in cash for the safety of the revenue, it cannot empower him to demand a valid bond for the duties. No legislative power is devolved on any executive officer by this clause of the bill; and as to that general objection which honorable gentlemen have indulged in, touching the alleged preference given by this regulation of commerce to the ports of one State over those of another, the answer is conclusive, that no part of this bill is confined in its operations to the ports of any one State, or any particular section of the Union, as distinguished from the rest. The terms of the law are general. It is co-extensive with the Union, and will apply equally wherever the evil which it is intended to redress shall be found to exist.

The second and third sections of this bill, which authorize the removal of any cause now pending in any State court, in which either party claims right or title under any law of the United States, and which render irrepleviable, by process from any State court, any property held or claimed by any person under any law of this Government, are, in my judgment, unnecessary and improper restrictions on the just powers of the State courts, and will prove oppressive in practice on the suitors in those courts.

Mr. WEBSTER: None but officers of the United States can take advantage of those sections.

Mr. CLAYTON: Such, I suppose, was the intention of the committee; but the gentleman from Massachusetts will perceive that "any officer or other person" is authorized to remove the suit in the one case, and to resist the process of the State court in the other. These sections should be modified to suit that view which the Senator from Massachusetts has, it seems, heretofore taken of them;[*] or if it can be shown that they are necessary in their present shape to countervail the legislation of South Carolina, their operation should be restricted, by a proviso, to such States as shall attempt to set at defiance the revenue laws of the country.

The sixth section of the bill provides that, in any State where the jails are not allowed to be used for the imprisonment of persons arrested or committed under the laws of the United States, or where houses are not allowed to be used, it shall be lawful for the marshal, under the direction of the district judge, to use other convenient places, and to make such further provision as he may deem expedient and necessary for that purpose. To this the honorable Senator from Virginia takes much exception; he declares it to be a "Botany Bay law;" and tells us that it is even worse than the English act which has received that designation. The Botany Bay law has been found in England to be a very good law, most salutary in its operations there; and, to this day, it stands unrepealed on the statute book, and countenanced by the approbation of the best statesmen of that country. Botany Bay is still thought to be a proper place for people guilty of less crimes than treason. But the gentleman will perceive that this section does not propose transportation as a punishment for crime; it is introduced here because we have been officially informed that South Carolina has refused the use of her jails to the courts of the United States, and its object is to secure, without the aid of South Carolina, jails, and, independently of South Carolina legislation, the persons of such as shall dare to violate our laws. It is similar to a resolution still remaining on our statute book, and adopted soon after this Government went into operation. On the 3d of September, 1789, Congress recommended to the several States to pass laws, making it expressly the duty of the keepers of their jails to receive and safe keep therein all prisoners committed under the authority of the United States. Several States having neglected to comply with this recommendation, the resolution to which I have referred, and which will be found in the second volume of the laws, page 236, was adopted, providing "that, in case any State shall not have complied with the said recommendation, the marshal in such State, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners, committed under the authority of the United States, until permanent provision should be made by law for that purpose." Does the gentleman from Virginia object to this resolution, or does he consider that the exigency that has now occurred, demanding the enactment of a law similar to it, is less urgent than that which originally called for its adoption?

Mr. TYLER: By that resolution, the prisoner was not to be taken out of the State. By this bill, he may be carried to any convenient place, at the discretion of the judge. By the resolution, the place was pointed out. So the English bill designated Botany Bay. The place is specifically named. But I would ask the gentleman from Delaware, whether by this bill there is any limitation whatever imposed upon the judge or marshal? They may carry the prisoner wherever they think proper.

Mr. CLAYTON: I deny that the resolution, to which I have referred the honorable member, specifies any particular place of confinement, or that the marshal is required by it to confine his prisoners within the limits of the State. If, however, the gentleman seriously requires it, I apprehend no friend of the bill will object to such a restriction on the powers of the marshal, as would prevent him from taking a prisoner beyond the limits of the district. The gentleman from Kentucky has indulged in the most bitter invectives against this section of the bill, which he considers as a provision to revive all the terrors and oppressions of the Jersey prison ship. Undoubtedly, this bill would authorize the Executive, when driven by the laws of South Carolina from any other place of imprisonment for prisoners, to confine them in a vessel on the water. And if this Government should find it necessary to the faithful execution of its laws, and the preservation of its own character, to carry any man, either in or out of South Carolina, to prison in a ship, I trust it will never be deterred from the discharge of its constitutional duty by sickly commentaries on Botany Bay, or mere fancy sketches of the Jersey prison ship. The great object of this, and the other sections of the bill, all who read it will understand, is to prevent the collision of actual force between the General and State Governments; and some of its most important features have been drawn from the legislation of Congress in the days of the whiskey insurrection and of the Hartford convention.

The honorable Senator from South Carolina has told us that all human institutions, like those who formed them, contain within themselves the elements of their own destruction; and that our own Government is now exhibiting their operation. To this general philosophic remark I should not have objected but for its application. All the works of man are destined to decay; but while the American people shall remain true to themselves, their Government cannot be destroyed; for it contains, within itself, endless and ever-renascent energies, which must bring it out in triumph, and with Antæan vigor, in despite of every effort to overthrow it. From foreign force it has nothing to fear; it dreads nothing now from any section of this Union which shall seek to prevent the just operation of our laws by foreign intervention. Yes, sir, a foreign alliance, sought by any member of this confederacy, for the purpose of making war upon us, would be the means, under Heaven, of immediately rallying every patriot, of every political party, under the broad banner of the republic. Popular virtue, however, is the only safe basis of popular Government. This is the "fountain from the which our current runs, or bears no life;" and I concede that the mortal blow to the liberties of this country may, at last, be struck by the hand of one who has been indebted to it for existence. The shaft which shall stretch the American eagle bleeding and lifeless in the dust must be feathered from his own bright pinions; and bitter will be the curses of men, in all ages to come, against the traitorous heart and the parricidal hand of him who shall loose that fatal arrow from the string!

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[*] They were afterwards so modified, on the motion of the chairman of the committee.

> "Remember him, the villain, righteous Heaven,
> In thy great day of vengeance! Blast the traitor,
> And his pernicious counsels, who, for wealth,
> For power, the pride of greatness, or revenge,
> Would plunge his native land in civil war!"

Mr. MANGUM rose, and moved to postpone the further consideration of this bill till to-morrow. He stated that he was desirous to give his sentiments on this bill, but he was at this moment laboring too severely under indisposition to be able to go into so arduous a task.

Mr. FORSYTH said, he was unwilling to resist such an appeal from any Senator, but he would make a single suggestion. There were some amendments which the committee intended to make, and there were a few others which would be necessary to obviate some objections which its friends had to its details. He would suggest that these amendments should be now proposed, so that the bill might be put into a shape which would make it agreeable to all its friends, and afterwards the Senate might proceed in the discussion of its general principles.

Mr. GRUNDY said, the difficulty could not be obviated in that way. The committee had appointed to meet to-morrow morning, for the purpose of making all the necessary amendments. He could not, of course, be prepared to offer them all at this time.

Mr. WILKINS said, it would be impossible to determine what amendments would be likely to be agreeable to the Senate, until the subject should have been fully discussed. He hoped, therefore, that the debate would go on.

Mr. KING said he presumed the gentleman from Pennsylvania had not distinctly heard his friend from North Carolina, who had stated that he was unable to proceed, from indisposition.

Mr. CALHOUN suggested that there was another consideration which was entitled to weight. The Senator from North Carolina was the only member of the Committee on the Judiciary who had objected to this bill. That gentleman, therefore, stood in a peculiar attitude, and he put it to the Senate, whether, on the score of justice, he was not entitled to such indulgence as he might require, to enable him to give a satisfactory exposition of the reasons by which he was actuated, the more especially as he appeared to be so unwell.

Mr. WILKINS said he should be the last man to force the gentleman from North Carolina, for whom he had a great respect, to enter into this discussion without sufficient preparation. But he believed that he was fully prepared to debate the question at this time.

Mr. FORSYTH said, under such circumstances, he could not vote against the motion for postponement.

On the call of **Mr. WILKINS**, the yeas and nays were ordered.

Mr. CALHOUN said, the Senator from Pennsylvania could not have heard the gentleman from North Carolina, who had put his request on the ground of indisposition.

Mr. WEBSTER said there was no occasion for postponement. The bill could make progress, and the gentleman from North Carolina could be heard on any other day as well as now. He begged the Senator to consider that but a few days remained of the session, that a number of Senators desired to be heard on this question, and that important business might be expected from the other House. If this bill was to be definitively acted on, it could only be done by showing a determination to sit out the discussion. They ought to sit there until late in the evening, for at the rate of a speech a day the bill would never be got through.

Mr. CALHOUN said, that, if any other Senator, on either side of the House, was ready to go on with the debate, he would make no objection to sit out the day. But he thought that the gentleman from North Carolina was in justice entitled to the indulgence of the Senate.

Mr. KING said that, if the gentleman from Massachusetts wished to deliver his sentiments on the bill, he hoped the motion would be withdrawn for that purpose, and he would be happy to listen to the gentleman to as great a length as he might desire.

Mr. WEBSTER: The gentleman from Alabama is extremely kind; and his kindness is justly appreciated. The gentleman from Massachusetts fully understands the gentleman from Alabama, but he has no disposition to address the Senate at present, nor, under existing circumstances, at any other time, on the subject of this bill.

The question was then taken on the motion to postpone the further consideration of the bill to to-morrow and decided in the negative, as follows:

YEAS.—Messrs. Black, Brown, Calhoun, Forsyth, Holmes, King, Miller, Moore, Poindexter, Rives, Robinson, Smith, Tyler, Waggaman--14.

NAYS.—Messrs. Bell, Clay, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Hill, Kane, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, White, Wilkins, Wright--25.

Mr. MANGUM commenced his observations in opposition to the bill. He adverted to the peculiar and novel situation in which he found himself, standing there for the first time making battle in his feeble way against the mass of friends with whom he had heretofore contended shoulder to shoulder. But he found himself sustained by assistance from his native land—from that region where all his affections were centered—by men who were not under any Executive influence, and who stood forward to perform their duty regardless of all consequences to themselves.

Opposed to him he perceived gentlemen who had hitherto not exhibited any great anxiety to aid this administration; but who, discovering in this bill a policy which conformed to their own principles, were solicitous to press it through. He regarded this as one of the most important questions which would be discussed before the present Congress.

He then proceeded to discuss the question of the power of the Government. After proceeding about fifteen minutes,

Mr. POINDEXTER moved that the Senate now adjourn, as the gentleman was evidently too much indisposed to proceed. He asked for the yeas and nays, which were ordered accordingly.

The question being taken, it was decided in the negative—Yeas 10, nays 25.

Mr. M. then resumed, and drew a parallel between the course pursued by the British Government previous to the war of the revolution, and that which was now pursued by the General Government against South Carolina. To sustain this view, he read copious extracts from the history of that period. After continuing in this strain for some time, Mr. M. yielded the floor to

Mr. **SPRAGUE**, who moved that the Senate now adjourn; which was negatived—Yeas 15, nays 16.

Mr. M. then resumed, and continued his argument until near 4 o'clock, when he again yielded the floor to

Mr. **TYLER**, who said that the Senate had now sufficiently indicated their determination to sit till a late hour every afternoon, for the purpose of bringing this debate to a close. He would therefore move that the Senate now adjourn.

Mr. **WEBSTER** did not intend to oppose the motion; but rose for the purpose of giving notice that, for one, he should vote hereafter against any motion to adjourn before five or six o'clock, until the bill should be disposed of.

The motion to adjourn was then carried without a division.

Friday, February 8.

MILITARY ORDERS.

The Senate, on motion of Mr. **GRUNDY**, took up the following resolution offered yesterday by Mr. Poindexter:

"*Resolved*, That the President of the United States be requested to cause to be laid before the Senate copies of the orders which have been given to the commanding officer of the military forces assembled in and near to the city of Charleston, South Carolina; and also copies of the orders which have been given to the commander of the naval forces assembled in the harbor of Charleston; particularly such orders, if any such have been given, to resist the constituted authorities of the State of South Carolina, within the chartered limits of said State."

The resolution being read—

Mr. **GRUNDY** said he was in favor of the main object of the resolution, but he wished to propose a modification of it before it was adopted. The first part of the resolution, he said, did not leave to the Executive that discretion, as to the extent and bearing of the information to be communicated, which was always allowed in resolutions of this kind, that nothing might be required from the Executive detrimental to the public interest. On this occasion, he would barely say, without pretending to any particular knowledge on the subject, that he believed the answer to the resolution, as he should propose to modify it, would be satisfactory to the gentleman and the Senate. His design in moving an amendment was not to prevent the copies of all military orders issued by the Government from being sent to the Senate, but to put it in the power of the Executive, without being subject to the imputation of refusing to comply with a request of the Senate, to withhold any thing connected with the papers called for which might involve private individuals. For himself, he was for withholding nothing that it was proper to ask for, operate how it might. If there were any orders affecting the constituted authorities of South Carolina, especially, he thought the Senate and the people ought to have them, without any reservation. Mr. G. then moved to amend the resolution, by inserting after the words "before the Senate," the words "so far as may in his judgment be compatible with the public interest."

Mr. **POINDEXTER** said he thought yesterday, from indications then given, that this call placed the gentleman from Tennessee in an awkward predicament, and he was now sure of it. After they had consulted their pillows, they had come to the Senate with a determination to destroy it if in their power to do so. He denied the proposition, that, in regard to any orders to an officer of the army or the navy, in time of peace, it had been usual, or was proper, to make any exception whatever in calls upon the Executive. There were two classes of cases, in which, when calls were made upon the Executive for information, exceptions were made: the one, in the case of a pending treaty, when a disclosure of diplomatic papers or correspondence by the Executive might be detrimental to the public interest, in which case a discretion as to that point was usually left to the Executive; the other class of cases was when, in time of war, a call was made upon the Executive for copies of orders issued to the commanding officer at any particular station, in which case it was indispensably necessary to leave to the Executive a discretion to withhold them, or any part of them, because the disclosure of them might give warning to the enemy, injuriously to the interest of our own cause. But in time of profound peace with all the world, and at home, and at a time when no act of violence had been committed by any portion of the American people; when the strong arm of the Legislature was stretched out to the Legislature of one of the States of the Union, commanding them to retrace their steps, or abide the pains and penalties of treason; and when we see the assembly of land and naval forces on that station, and want to ask why the Executive assembles them, and what they are to do, Oh, says the gentleman, pray keep these orders secret. Sir, what mischief can proceed, in this time of peace, from giving publicity to the orders to the commanding officers of those forces? Suppose a case: suppose that an order should have been issued to the military, if the Legislature of the State of South Carolina should attempt to assemble, to go into their halls and disperse them, or that an order should have been issued to capture certain individuals, and dispose of them under the second section. Gentlemen may smile at that, but I say, suppose the case of orders having been issued such as those which were issued under the administration of Lord North, for the seizure of particular refractory individuals, ought not such things to be known? I will not say why gentlemen wince at this call; it may appear, on a full disclosure, that there is something rotten in the State of Denmark—yes, rotten, which will not bear examination. It may appear that the Executive is disposed to excite discord and civil war in the South, in order to have a pretext to march an army to overrun the country. If no such alarming disclosures are apprehended, why not let the resolution pass as originally moved? Coupled with the amendment of the gentleman from Tennessee, Mr. P. said he would withdraw his resolution, if he could. He would thank that gentleman, he said, or any other, to tell him what exception could be taken to the call which it proposed, in a time of profound peace, when the answer to it could not operate to the prejudice of our foreign relations. We have lately heard some strange doctrines, Mr. P. said, about State sovereignty, and the supremacy of the General Government; and, if not checked, they will ultimately creep up to the supreme head of the Government, which will be found granting privileges, and issuing orders to the people, instead of deriving authority and instruction from them. He was sorry to see this opposition to his reasonable motion; it seemed to be indicative of a disposition to shroud in secrecy the movements of the Executive authority; and if this amendment should be fastened upon his motion, he should take the liberty, in future discussion, of drawing his own inferences as to the nature of the orders which gentlemen dare not call for. Sir, said Mr. P., there was a drawing-room last night, and great anxiety was manifested, it is said, on the part of some gentlemen, to get the ear of the President.

Mr. **GRUNDY** said, that whenever the gentleman from Mississippi should think proper to draw the inferences which he had alluded to, they should be met with a positive denial. Mr. G. would undertake to say, with the little information that he had, that no military movement had been made by the Executive, either against individuals or against the authority of the State of South Carolina. And, while the gentleman from Mississippi professed so great an anxiety to prevent or avert civil strife, Mr. G. asked whether the answer to his resolution, unlimited as it was, might not lead to the very result which he deprecated? Now suppose the case, that some citizen of South Carolina, among the most respectable of her citizens, should have given information to the Executive, and that upon that information orders should have been issued; does the gentleman want the name of this citizen and all these circumstances disclosed? [Mr. POINDEXTER, (in an under tone:) Yes, the whole of them.] Would not such disclosure lead to the immediate shedding of blood? [Mr. P. expressed, in an under tone, his disregard of the consequences.] I wish to see all that the Executive has done, said Mr. G., in continuation, but I do not wish to see all confidential communications which it has received thrown before the public, the disclosure of which would be followed by blood. That was what he wished to avoid. He had no objection to seeing copies called for of every order which the Executive had issued; but, if all communications with the officers, confidential or otherwise, were to be disclosed, consequences might be expected to follow which gentlemen who urge this resolution would themselves deplore. What did the gentleman want? To know what the Executive had done of a public nature? The amendment now proposed would not prevent his getting that information in full. Gentlemen had better wait until they got the answer to the resolution before they undertook to tell what it would disclose: they would then find that nothing like war was intended; nothing but defensive measures, and those of the most pacific kind.

Further, Mr. G. said, without knowing any thing of the kind, he would suppose another case: that an officer was stationed at any particular post, whose feelings were too strongly enlisted, in any way, as to interfere with a proper discharge of his duty, and that information to that effect should have been given to the Executive; does the gentleman want that information? [Mr. POINDEXTER, (in an under tone:) Yes, I want that.] Did gentleman want to degrade the officer, Mr. G. asked, or to ask from the Executive information which it would be improper for him to disclose? If the gentleman wanted to know what had been done by the Executive, to that Mr. G. had no objection; but, when he wanted copies of all communications that had passed, such a disclosure might produce great mischief, and could do no good.

One branch of that resolution Mr. G. himself wished to see answered. If any thing had been meditated against the authorities of the State of South Carolina, he wished to know it all; for, if any thing of that sort was to appear, Mr. G. would think with the gentleman from Mississippi, that the President of the United States had transcended his duty, and, much as the Executive possessed his confidence, he would not stand in the way of his being made amenable therefor to the American people. I think, however, said Mr. G., that we had better forbear all remarks such as those about punishing under the second section, &c. until we have some facts to ground them upon. I have seen no attempt or disposition on the part of the President of the United States to proceed lawlessly in reference to this matter. Does the tone of his communications to us savor any thing of action under the second section? Has any lawless or unconstitutional temper been manifested here? I am very glad the gentleman has introduced his resolution, sir; if he had the power to withdraw it, I would myself renew it.

Mr. POINDEXTER rose to explain. He had not said that the President had exercised any unconstitutional power. He had said, suppose that such and such orders were given, that it would create a very different sensation in this body, and throughout the United States, if these facts were made known; and the attempt to conceal facts, whatever they were, left him at liberty to infer whatever he pleased from it.

Mr. GRUNDY said that there was no wish existing any where to conceal any movement of this Government, beyond the wish to prevent conflicts which might arise among citizens of South Carolina from improper disclosures. We know the unfortunate state of excitement which exists in that quarter, and we do not wish such disclosures to be required as might make them rush into instant battle one with another. Such might be the consequence of calling for all papers on the subject from the Executive. These papers, therefore, he thought ought not to be made public. As to the allusion which the gentleman had made to the drawing-room, Mr. G. said he did not pretend to understand what he meant by it.

Mr. CALHOUN said there was not one word in this resolution which ought to provoke opposition; and he was very much surprised that, when a Senator rises in his place to ask for the information required by the resolution, with a view to understand what orders have been issued, and whether these orders have been predicated upon any information exclusively obtained by the Executive in reference to the state of things in South Carolina, it should be resisted. He was at a loss to imagine the motive for desiring any concealment. Was he (Mr. C.) to understand that the President of the United States had been corresponding with any party in South Carolina, that he had been receiving anonymous communications, and that he has been acting on such anonymous information? What men would take information of this character in the present excited state of the country, from a party in the State, in order to ground thereon proceedings against South Carolina? What Chief Magistrate would correspond with a party under such circumstances? He could not imagine a state of things so unprecedented. If the fact be as the Senator supposed; if it was necessary to screen any body for acting improperly, let the responsibility (said Mr. C.) rest on the President of the United States. He may communicate what he thinks proper. He wished to let the whole rest on the responsibility of the President. The whole course of the opposition to the resolution was most extraordinary, and calculated to produce excitement in South Carolina. Was he to understand that the President of the United States has been secretly corresponding with that party which stood in opposition to the majority in that State, and that he was proceeding to act under the representations thus obtained, instead of adopting that plain and open course of action which would become the highest Executive officer? The sensation which would be produced by the imperfect information which would be obtained by the resolution in its amended form, would be far greater than any which would arise out of the publication of the entire facts.

The hour of 12 striking at this moment—

The CHAIR arrested the discussion, and stated that, according to the resolution, directing that the special order shall be called at 12 o'clock till the end of the session, he considered it to be his imperative duty to announce it at that hour; and he desired to have the sense of the Senate to the contrary, if, in its opinion, his construction that the arrival of the hour cut off all business which was pending was not the correct one.

Mr. KING expressed his belief that the practice of the Senate under this resolution should be the same as it was when one o'clock stood as the hour for taking up the special order. It had been the practice to take up the special order after any morning business under consideration should have been discussed, if even it somewhat overstepped the hour.

Mr. **CALHOUN** intimated that the practice was to take up the special order after the disposition had been made of any pending business, and that it had not been the practice for the Chair to call it in the midst of a discussion.

Mr. **SMITH** considered that the resolution made it imperative on the Chair to call the special order at the hour specified.

Mr. **FOOT** expressed a similar opinion; and reminded the Senate that he had objected to the resolution previous to its adoption, on the ground that it would prevent the third reading of any bill which might be before the Senate during the rest of the session. As the resolution had been adopted, it was the duty of the Chair to call the order at the hour.

Mr. **GRUNDY** wished to know whether he was to suspend his reply to the Senator from South Carolina until to-morrow? He wished the point of order to be settled, that they might go to work about something.

Mr. **KING** sustained the view taken by the Senator from Connecticut, as to the obstruction which the resolution would, as construed by the Chair, throw in the way of public business.

Mr. **WILKINS** said, that if he might be allowed to put his own construction on his own language, when he draughted this resolution, he intended it to be imperative.

Mr. **POINDEXTER** said, the response to the resolution, now under debate, was of great importance to the progress and end of the bill under discussion. If it was to be sent at all to the President, it ought to be sent immediately. He wished to allow the Senate an opportunity to take the vote upon it, and he would therefore move, for the present—for he did not wish to trespass too long on this favorite special order—to lay the special order on the table.

Mr. **BROWN** said he should vote in favor of the motion of the gentleman from Mississippi.

The **CHAIR** said it was not in order to debate a motion to lay the bill on the table.

Mr. **POINDEXTER** withdrew his motion.

Mr. **BROWN** then said, that he was against the postponement of this discussion. So long as it should be before the Senate, the existing excitement would be kept up throughout the country. He did not believe that there was any necessity, in discussing the bill, for the information which the resolution proposed to call for. He did not perceive that it would at all aid the Senate in the discussion of the bill before the Senate. Whenever a vote should, therefore, be taken on the resolution, he should give his vote against it. He deemed it to be the duty of the Senate to pour oil on the agitated billows, and not to excite them to more dangerous and tumultuous action.

Mr. **POINDEXTER** then renewed his motion to lay the special order on the table, and asked for the yeas and nays, which were ordered, and

The question being taken, was decided as follows:

YEAS.—Messrs. Bibb, Brown, Calhoun, Chambers, Clayton, Forsyth, King, Miller, Moore, Poindexter, Tyler—11.

NAYS.—Messrs. Bell, Black, Buckner, Dallas, Dickerson, Dudley, Foot, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Kane, Knight, Naudain, Prentiss, Rives, Robbins, Robinson, Ruggles, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, White, Wilkins, Wright—29.

REVENUE COLLECTION BILL.

The Senate then proceeded again to the special order of the day, being the bill making further provision for the collection of the revenue.

Mr. **WEBSTER** said he wished to interrupt the course of the debate for a single moment, in order to set one matter right, if he could. Since a warm controversy was rising on this measure, he thought it but proper that we should understand between what parties the controversy existed.

Soon after the declaration of war by the United States against England, an American vessel fell in at sea with one of England, and gave information of the declaration. The English master inquired, with no little warmth of manner and expression, why the United States had gone to war with England? The American answered him, that difficulties had existed, for a good while, between the two Governments, and that it was at length thought, in America, to be high time for the parties to come to a better understanding.

I incline to think, Mr. President, that a war has broken out here which is very likely, before it closes, to bring the parties to a better understanding. But who are the parties? Will you please to remember, sir, that this is a measure founded in Executive recommendation? The President, charged by the constitution with the duty of executing the laws, has sent us a message, alleging that powerful combinations are forming to resist their execution; that the existing laws are not sufficient to meet the crisis; and recommending sundry enactments as necessary for the occasion. The message being referred to the Judiciary Committee, that committee has reported a bill in compliance with the President's recommendation. It has not gone beyond the message. Every thing in the bill, every single provision, which is now complained of, is in the message. Yet the whole war is raised against the bill, and against the committee, as if the committee had originated the whole matter. Gentlemen get up and address us, as if they were arguing against some measure of a factious opposition. They look the same way, sir, and speak with the same vehemence, as they used to do when they raised their patriotic voices against what they called a "coalition."

Now, sir, let it be known, once for all, that this is an administration measure; that it is the President's own measure; and I pray gentlemen to have the goodness, if they call it hard names, and talk loudly against its friends, not to overlook its source. Let them attack it, if they choose to attack it, in its origin.

Let it be known, also, that a majority of the committee reporting the bill are friends and supporters of the administration; and that it is maintained in this House by those who are among his steadfast friends, of long standing.

It is, sir, as I have already said, the President's own measure. Let those who oppose it, oppose it as such. Let them fairly acknowledge its origin, and meet it accordingly.

The honorable member from Kentucky, who spoke first against the bill, said he found in it another Jersey prison ship; let him state, then, that the President has sent a message to Congress, recommending a renewal of the sufferings and horrors of the Jersey prison ship. He says, too, that the bill snuffs of the alien and sedition law. But the bill is fragrant of no flower except the same which perfumes the message. Let him, then, say, if he thinks so, that General Jackson advises a revival of the principles of the alien and sedition laws.

The honorable member from Virginia [Mr. Tyler] finds out a resemblance between this bill and the Boston port bill. Sir, if one of these be imitated from the other, the imitation is the President's. The bill makes the President, he says, sole judge of the constitution. Does he mean to say that the President has recommended a measure which is to make him sole judge of the constitution? The bill, he declares, sacrifices every thing to arbitrary power—he will lend no aid to its passage—he would rather "be a dog, and bay the moon, than such a Roman." He did not say "the old Roman." Yet the gentleman well knows, that if any thing is sacrificed to arbitrary power, the sacrifice had been demanded by the "old Roman," as he and others have called him; by the President whom he has supported, so often and so ably, for the Chief Magistracy of the country. He says, too, that one of the sections is an English Botany Bay law, except that it is much worse. This section, sir, whatever it may be, is just what the President's message recommended. Similar observations are applicable to the remarks of both the honorable gentlemen from North Carolina. It is not necessary to particularize those remarks. They were in the same strain.

Therefore, sir, let it be understood, let it be known, that the war which these gentlemen choose to wage, is waged against the measures of the administration, against the President of their own choice. The controversy has arisen between him and them, and, in its progress, they will probably come to a distinct understanding.

Mr. President, I am not to be understood as admitting that these charges against the bill are just, or that they would be just if made against the message. On the contrary, I think them wholly unjust. No one of them, in my opinion, can be made good. I think the bill, or some similar measure, had become indispensable, and that the President could not do otherwise than to recommend it to the consideration of Congress. He was not at liberty to look on and be silent, while dangers threatened the Union, which existing laws were not competent, in his judgment, to avert.

Mr. President, I take this occasion to say, that I support this measure, as an independent member of the Senate, in the discharge of the dictates of my own conscience. I am no man's leader; and, on the other hand, I follow no lead, but that of public duty, and the star of the constitution. I believe the country is in considerable danger; I believe an unlawful combination threatens the integrity of the Union. I believe the crisis calls for a mild, temperate, forbearing, but inflexibly firm execution of the laws. And, under this conviction, I give a hearty support to the administration, in all measures which I deem to be fair, just, and necessary. And in supporting these measures, I mean to take my fair share of responsibility, to support them frankly and fairly, without reflections on the past, and without mixing other topics in their discussion.

Mr. President, I think I understand the sentiment of the country on this subject. I think public opinion sets with an irresistible force in favor of the Union, in favor of the measures recommended by the President, and against the new doctrines which threaten the dissolution of the Union. I think the people of the United States demand of us, who are intrusted with the Government, to maintain that Government; to be just, and fear not; to make all and suitable provisions for the execution of the laws, and to sustain the Union and the constitution against whatsoever may endanger them. For one, I obey this public voice; I comply with this demand of the people. I support the administration in measures which I believe to be necessary; and, while pursuing this course, I look unhesitatingly, and with the utmost confidence, for the approbation of the country.

Mr. TYLER then rose. He had never inquired, he said, from what quarter the bill came. It had never entered into his conception that it was a matter of the smallest consequence. It had never been his habit to look to the source rather than to the principles of a measure upon which he was called on to decide. He did not oppose this measure because it was supported by the gentleman from Massachusetts; and would the gentleman believe in his sincerity, when he declared that he would give his support to any measure proceeding from the Senator from Massachusetts, which he himself approved, as promptly and as heartily as if it proceeded from the very highest officer of the Government. This was not the first time that he had been placed in opposition to measures of which the President was the source, or of which the President approved. It had been his fortune here to be more than once opposed to some Executive measures. He did not find fault with this bill, because the Senator from Massachusetts and his friends approved of it; for if the bill had his own approbation, he would support it, even if the President was opposed to it. But he was obliged to the gentleman from Massachusetts for the suggestion of the real source of the measure. He was now led to understand that it came from the President. [Mr. WEBSTER: Not so. The bill was from the committee; but no one can read the bill and the message without saying that the bill is founded on the message.] Mr. TYLER: Then the President did not prescribe the forms of the bill. But, if the President has sent us a Botany Bay bill, he (Mr. T.) would call it so, and as such oppose it.

Mr. WEBSTER would merely remark, that the committee to which he belonged were in the habit of drawing their own bills. The facts were, that the President, in the discharge of his official duties, had recommended certain measures to meet certain events; in his annual message he had suggested that he might have occasion to take this course; in his late message, he had recommended specific provisions for specific cases; and the Committee on the Judiciary had framed a bill in accordance with those provisions.

Mr. BIBB could not, he said, help being surprised at the remarks which had fallen from his honorable friend, the Senator from Massachusetts. He would like to know what part of his official conduct had given that gentleman reason to suppose that, in respect to all measures before this body, he did not act upon his own responsibility and judgment? What reason had the gentleman to suppose that he was the humble and subservient tool of any man, and constrained to vote this or that way? He threw back the imputation. He threw it not on any Senator, but he threw it back indignantly from himself. Have we come to this, that an independent sentiment cannot be expressed on this floor, on the individual and official responsibility of a Senator, without his being taunted with the suggestion that his opinions are in opposition to an Executive message? If the gentleman had no means of knowing the source of the measure, but from a comparison of the message with the bill, then his opinion is a matter of inference only. When he says that the bill is a response to the message, he means to say that in the judgment of the committee it was thus responsive, or that the committee intended to render it responsive. If that was the sense in which the Senator from Massachusetts says it is responsive, he would take it as a matter of inference, founded on the similarity between the bill and the message. He wanted to know whether there was any hidden light in regard to this matter; whether there was any secret connexion between the bill and the message?

He put it to the honorable gentleman to say—and he should pause for a reply—whether there was any link or communication between the bill and the message, other than that which was apparent? He denied that, according to his notion, the bill was in accordance with the message. If the President desired that any such power should be given to him as this bill gives, he would find no expression of that desire in the message. He could not imagine that any President would have the daring effrontery to ask of Congress to give him such powers. Therefore, he would take it for granted that it was a matter of inference merely. The bill responds to the message, in so far as it affords aid to civil process; but in so far as, by its first and fifth sections, it confides to the Chief Magistrate an inordinate discretionary power, it was not, in his mind, a fair inference that the bill was a response to the message, and that the President sought to be clothed with the powers with which the bill invested him. Torrents of invective and reproach had sometimes been turned against those who dared to raise their voices or give their votes in opposition to measures of the administration. For his own part, he had nothing to hope nor to expect from the administration. He sought nothing from it. Therefore, whether he withheld or gave the powers asked by it, was a question between him and his constituents; and, in a great struggle for civil liberty, he considered himself an atom.

Mr. WEBSTER said, it was unnecessary for the gentleman from Kentucky to throw back any imputation, for none had been cast. He had said nothing about subserviency to the Executive. In regard to the interrogatory of the gentleman—which he was not certain that he understood—he would briefly reply, that the message having, in usual course, been referred to a standing committee of this body, the committee sat down and drew a bill, in conformity with the provisions recommended in the message, as far as they could. He would tell the gentleman, that there was nothing in the 1st and 5th sections of the bill, which in the message is not recommended; and if the gentleman would recur to the message, he would find the suggestion of those provisions. Further, he would tell the gentleman, that the President has had the "daring effrontery" to ask for these powers, no matter how high may be the offence.

Mr. BROWN remarked, that, as some gentlemen had risen to make a confession of their sins, in reply to the accusation from the Senator from Massachusetts, he hoped he also might be allowed to say a word as to his own course. He had never looked to any quarter for instructions in regard to his vote on this bill, neither to the President nor the Judiciary Committee. The gentleman assures us that "the bill is fragrant with no flowers which do not also perfume the President's message." But he had considered that the gentleman himself had the chief hand in giving to the bill those fragrant flowers with the sweets of which it was redolent. Like a prudent commander, the gentleman, he thought, had entrenched himself behind strong defences—behind an Executive recommendation. If, sir, said Mr B., we have used hard names, we have had an able preceptor, in their use, for the last three years. Our intellects must be very obtuse, if in that time we could not have learned something from the gentleman's example. But, for my own part, I want capacity for the art. I cannot use opprobrious language in respect to the President, for I do not believe that he deserves it. I have stood by him when he vindicated and maintained the constitution of the country, in opposition to the efforts and the reproaches of the gentleman from Massachusetts. If, on one occasion, I have differed from him in opinion, it is not to be a matter of accusation against me; and certainly I am not to be told of it from this quarter.

Mr. WEBSTER had remarked, he said, that the gentleman had given hard names to the bill, not to the President; and he still thought they would have shown a more gallant bearing in directing their attack against the source from which the bill came.

Mr. BIBB made a remark in explanation. If the gentleman from Massachusetts supposed that he threw back on him the imputation of subserviency, he was mistaken. He had expressly disclaimed that purpose in his remarks.

Mr. HOLMES rose and said a word or two, which, from the noise in the gallery, the reporter could not distinctly hear. He understood him, however, to refer to the professions and confessions which had been made by some honorable gentlemen, in the debate, and to say, jestingly, that, after all, there was but one member of the Senate whose course had been entirely consistent throughout, and that member was his own dear self.

Mr. WILKINS said he would avail himself of this opportunity to present the amendments to the bill which the committee proposed. But, at the suggestion that the discussion would be continued, he gave way.

[Mr. Mangum was entitled to the floor, but being detained from the Senate by indisposition, Mr. DALLAS rose.]

Mr. DALLAS said, that he found himself unexpectedly in possession of the floor, in consequence of the indisposition of the Senator whom we would all have heard with pleasure, and the cause of whose inability to proceed was a matter of general regret. He felt himself taken by surprise, and should labor under some disadvantage in addressing the Senate at this time. His own condition of bodily health was somewhat similar to that of the gentleman from North Carolina; but he trusted that, as he proceeded, he should gather strength from the cause which he advocated. Representing a large, respectable, but unassuming State, whose overwhelming democracy had for years sustained the administration of the Government now existing, he had a plain and easy road to travel. He was impelled by the unanimous voice of his constituents, which, notwithstanding the opinion of the Senator from Virginia, was, he assured him, well considered, and in perfect conformity with the past practice and present principles of that State. The Senator was mistaken in the supposition, that the votes in the Legislature of Pennsylvania indicated any change of opinion, on their part, in relation to the protective policy of the country. Their opinions, on that subject, were just as unanimous as ever. But they valued the harmony of the Union; and to preserve that, republican Pennsylvania would change, alter, and, if necessary, abolish the protective system. The votes alluded to by the Senator from Virginia were accompanied with a declaration that they were given for the purpose of leaving the representatives of Pennsylvania free to take such measures as would preserve the harmony of the Union. But the bill before us was peculiarly adapted to the principles of Pennsylvania.

The measure was recommended by the President in a message to Congress, which was referred to a standing committee of the House. That committee had reported this bill. It was an administration measure. Honorable gentlemen might be assured that, whatever language was applied to the bill, there were those who would not flinch from its responsibility. As a political man, he would say, that the President, in recommending this measure, would attach to himself, more strongly than ever, he would not say all the people of the country, or all the members of any political party, but the entire democracy of Pennsylvania. That democracy, with its fifty thousand majority, was ready to assume the responsibility of this act. However heavy might be the responsibility thrown on this measure, he would undertake to say, that his State was ready to assume its full share. He felt very anxious to treat this question as one of a grave and very important nature; and he proposed, with a view to the accomplishment of his task, with as little labor to himself, and tediousness to the Senate as was possible, to inquire, in the first place, what causes had led to this measure; second, whether we had the constitutional power to exact it; and, third, what were its probable tendency and effect. Many remarks had been made in the discussion, to which he should pay no attention; not from want of respect to those from whom they had fallen, but from want of comprehension to see their application to the subject.

What were the causes which led to the bill? It was undoubtedly drawn from analogous practice, but it was out of the ordinary course of legislation. The cause would be found in the proceedings of a popular convention held in South Carolina, and the legislative and executive acts following them. He was at all times prepared to treat the movements of a sovereign member of the Union with respect. They were not to be viewed as the factious proceedings of a political party. Theirs was not the attitude of a changeling. The proceedings to which he referred resulted from the deliberate, and, he might say, the inflexible purpose of a highly respectable, although, in his apprehension, misguided State. He might be mistaken in representing the attitude of the State. He referred to the appearances every where existing in the State. This attitude might possibly be very soon changed, and, in that case, our proposed legislation in regard to it must be changed.

Sir, said Mr. D., I say this is a possibility, but I do not say that it is a probability. There might be gentlemen at the head of this South Carolina excitement, whose influence and standing in political power might be such as to enable them to assume the attitude of Louis XIV., and to say, "We are the State." Or there might be some individuals, who, imitating the tone of Napoleon Bonaparte, might say, "I am for South Carolina;" whose very breath might retard the operation of this ordinance, proclamation, and laws, and these military arrangements; or whose very breath might impel those movements, as matters might be. It was not, however, a very likely supposition. We must, said Mr. D., look at the deportment of South Carolina as it is exhibited in these documents, and view it according to the spirit and letter of the ordinance, legislative enactments, and the military and executive arrangements of the State. Well, sir, following out the inquiry still further, I would ask, what is the cause for this legislative measure now before the Senate of the United States? I would ask, what we are to deduce from the legislative movements in South Carolina? In the first place, sir, there is an effort, on the part of that single State, to incorporate into the constitution of the United States two heretofore unknown, unacknowledged, and unexpressed principles--I mean nullification and secession. In the second place, viewing these documents in the manner I have stated, I consider that they involve an abrogation, positive and universal, of the revenue laws of the United States; not within the State of South Carolina merely, but, as I think I can show, throughout the whole of the United States. And lastly, sir, we deduce from these documents an application of the judicial and physical force—the judicial and physical force—of the powers, sentences, judgments, decrees, condemnations, confiscations, compulsory oaths, summary convictions, dungeons, and halters, to prevent the execution of the laws of the United States by the officers of the United States.

In relation, Mr. President, to nullification and secession, the question is, have we the constitutional power to pass this bill? In reference to the abrogation of the revenue laws by the State of South Carolina, I say that, as a matter of equal constitutional justice, the abrogation of those laws, according to the ordinance of South Carolina, abrogates them throughout the whole country. I say it is the necessary consequence of annulling them in that State. We are bound by our oaths, as Senators of the United States, not to acquiesce in or sanction such proceedings. We have no right to give a preference to the ports of one State over the ports of another. Sir, I put it to the honorable Senators present, whether a tacit acquiescence on the part of this body ought to be given to a regulation in South Carolina, which establishes free trade in the port of Charleston, thereby giving it a preference over any port in the United States. Would not a tacit acquiescence be a violation of our oaths as Senators? Let us look to the principle of morality as connected with this subject. There are sins of omission as well as sins of commission. He who is not prepared to do his duty, or refrains from it from a fear of consequences, acts in violation of it. No single State, no several States of this Union, can be expected to furnish all the revenue which the Government requires—the entire consumption of the country upon which the taxes are laid; these imposts should be borne equally by the entire mass of the American people. Sir, I protest that, wealthy as the people of the State of Pennsylvania may be, pouring at all times their countless thousands into the public treasury--I protest against the Congress of the United States requiring one cent from the population of that State which is not fully required from others. If you do make it a matter of equal legislation, though we would cheerfully contribute millions to the general treasury in common with the other States, yet, show preference, in the slightest degree, to any portion of the Union, and, as a member of that great commonwealth, I would protest against it. Charleston cannot be a free port, compatibly with the constitution of the United States. The instant that the legislation of this Congress shall proclaim it to be so, I shall likewise declare Philadelphia a free port. New York also, as well as every other port in the United States, will have a just right to be declared free. Sir, this effect is as unavoidable in practice, as it is sound in constitutional theory.

If the position now taken by South Carolina, in reference to Charleston, be sustained by the connivance of this body, your revenue is lost; not a part of the revenue, but the whole of your revenue, is gone; all that is collected by the Government of the United States by virtue of the acts which are nullified in South Carolina. How is it? I speak practically. If it be for one moment entertained that the duties collected under these laws are to be enforced in every port but the port of Charleston, and the other ports of South Carolina, will not the mercantile community throughout the whole of this country make these ports the great marts of distribution, through the coasting trade, to all the other States of the Union? As a matter of prudence, as a matter of necessity, they must do it, or they could not sustain themselves. They must direct their foreign correspondents to consign their cargoes to the port of Charleston, and other ports in South Carolina; and their ships would be employed in the whole coasting trade of the United States, to distribute their cargoes free of all duties, and exonerated from all tax throughout all the ports of the country. No merchant in Pennsylvania could bear up against such a system, and therefore must become bankrupt. He could not consent to pay the duty which is now properly levied on these goods, while, in a neighboring State, the goods came in free of charge. As a matter of necessity, as well as of sound constitutional duty, if a free port were connived at in the State of South Carolina, you must make every port free. Your Government will then be without revenue; that will be the necessary consequence. I believe, sir, that that is a Utopian creature the world has never seen or heard of. We cannot exist without a revenue; we must have it for all the great purposes of the body politic. The extinguishment of the revenue is the necessary consequence of adopting this doctrine, and is, in itself, a superabundant, a strong, if not an imperative call on those who are managing the concerns of the American people, to prevent such a contingency.

If the legislation which provides our revenue be counteracted, we must, said Mr. D., (I speak it with all the strength of language of which I am master,) we must—morally must, enforce the laws. But the abrogation of the revenue laws, and the necessary consequence of that abrogation in drying up all the sources of revenue, is not alone the cause on which the present measure is recommended to the consideration of Congress. Look at the elaborated details by which this fit end is to be accomplished; I mean those contained in the ordinance and laws, and the military arrangements which have been communicated by the Executive. Look at these, which I say, and will prove, strike conclusively, directly, and, *totidem verbis*, at some of the most important provisions of the constitution.

They expel the judicial power of the United States out of the limits of the State of South Carolina, or, what is tantamount, pursue a course by which those laws are made imperative, and inapplicable as far as regards the citizens of South Carolina. I will go still farther. They break in with a strong hand on the sanctity of personal rights, on the privilege of personal freedom, and on the liberty of conscience. Having duly weighed the phrases, I will show that they inflict disfranchisement, degradation, exile, or vassalage, indiscriminately, on all who dare to perform their duty as citizens of the United States, by enforcing and sustaining the laws.

He had heard often on this floor, and elsewhere, of that which had been characterized a despotic majority, and of systems of oppression resulting from the tyranny of members. But, in this country, he had never known an exhibition, except that which he now witnessed, and which he hoped the virtue of the people of South Carolina would remove, where the fundamental principles of life, liberty, and law, were absolutely abrogated. He had said that there were positive, direct violations of the constitution, involved in the measures of South Carolina. Yet it was alleged, on the face of those measures, that they were perfectly conformable to the constitution. If nullification be perfectly conformable to the constitution, we shall see that hereafter. If secession be conformable to the constitution, we shall see that hereafter. But even supposing these doctrines were in conformity with the constitution, still would they find no favor, if, in their progress, they trample on those rights which are recognised in the letter of the constitution. We know that there is an express provision in the constitution, that no State shall pass any law, fundamental or otherwise (and this ordinance of South Carolina is called by the head of the military power of that State, a fundamental law) impairing the obligation of contracts. What says the ordinance of South Carolina? That all contracts which are now existing, or which may hereafter exist, for the purpose of carrying into effect the law providing for the collection of the duties on imports, shall be null and void, now and forever. Is that a violation of the constitution, or not? If this ordinance had confined itself to such contracts as might hereafter be formed, and had simply pronounced the law on which they might be based null and void, that would have been one thing. There might have been an argument founded on that subject. But it was not so; the ordinance declares that all contracts which have been or may be entered into, shall be considered null and void. Did that comport with the provisions of the constitution to which he had referred? He had a dislike to all refinements on the constitution. He belonged to that admirable class of politicians who adhered to the plain meaning of its phraseology; and when the constitution declared that no State should pass any law impairing the obligation of contracts, what could be said of a law of the State of South Carolina declaring existing contracts to be null and void? If the framers of the law relied upon the end to justify the means, they would find their reliance a bad one; for no end which was contemplated by them would justify such means.

But that which to him constituted another plain violation of the constitution, was accompanied by a direct encroachment on the sanctity of private rights, the sanctity of private property, and the sanctity of the courts of justice. We have a provision in the constitution which declares that every individual accused of crime "shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed." What was the meaning of this provision? That every individual juror shall be charged on his oath conscientiously to determine between the people and the party. It was a sound, settled, and unalienable right, which every individual so accused possessed, to have an impartial jury to try him. I ask (said Mr. D.) that there shall be an impartial jury in all criminal cases, let the matter of accusation be what it may; and they who would deprive an individual so accused of this right, would go far towards the establishment of arbitrary rule. Give me the trial by jury in all its fairness, purity, and sanctity. We know, that in the formation of the constitution, the trial by jury was regarded as a subject deserving the most serious consideration of our greatest statesmen. It had always been considered as one of the most sacred order of privileges. Now what says the ordinance of South Carolina? That the accused shall not have it. It provides that the jury shall be sworn in advance. To do what? To hear and decide according to the evidence? No. To do impartial justice between the people and the accused? No. They were to be sworn in advance to convict the prisoner at the bar.

Am I right in this? Am I correct in that view of the question? An officer of the United States, executing the laws, renders himself amenable to the criminal law of South Carolina under this ordinance. He is taken before one of the State courts, where he is indicted for the offence. He gives the court and the prosecuting counsel to understand that he stands there as a citizen of the United States, and, as such, he claims, as a privilege given to him by the constitution and the principles of eternal and immutable justice, to challenge the constitutionality of the law. Can he do so? No. The ordinance is despotic. The jurymen are sworn, under that ordinance, and in the presence of the prisoner, to convict him.

In the course of my entire experience as a criminal counsel, (said Mr. D.) and I have practised at the bar from early youth, I have never known any right so constantly appealed to in criminal cases as the constitutionality of the law. Yet this ordinance says, you shall not have this right in South Carolina.

Here is involved a direct violation of the constitution. There were other parts of the constitution which were either in their spirit or their terms directly violated. This ordinance violated almost every contract or compact involved in that constitution. That instrument is full of mutual contracts between the States. Almost every provision implies, if it does not express, the compliance on the parts of the States with some contract. This ordinance withdraws them from the performance of these obligations. He would refer to one. The whole of these free, sovereign, and independent States had incorporated into their constitution a provision, from which no one can fly, to guaranty to every State a republican form of Government. That provision is openly violated by this ordinance. What does the provision import? Look at it with the eye of common sense, and not through the medium of refinement; with the eye of those who framed the constitution, and of the people who ratified its provisions. "We, the people, agree to guaranty to the whole of this confederacy, and to all the States, a republican form of Government." The Senate would see that if the ordinance of South Carolina were to prevail, this provision would be defeated, and rendered a mere nullity. Can we (said Mr. D.) guaranty a republican form of Government to a State which disclaims our right to do so, which puts herself upon her sovereignty, and sets up for herself? If she does this, the constitution is worse than a farce. If South Carolina should desire to establish a monarchy, if a majority of the people of the States should so decide, and secede, we might the very next day see a dictator there instead of a republican form of Government. Thus, it would be shown that we had guarantied a form of Government, which any State in the Union would have the power to abolish and abandon. In carrying out the ordinance of South Carolina, intended to nullify the revenue laws alone, the Legislature of the State had practically nullified an immense body of laws; and this mode of obtaining their object had been agreed to be constitutional and right.

They had nullified that important provision which secures the right of trial by an impartial jury.

Mr. MILLER desired to be informed if the gentleman meant to say that provision in the constitution was applicable to the State courts, as well as to the United States courts?

Mr. DALLAS said that he pressed the argument in the first place, not merely on the constitution of the United States, but on the principles of eternal and immutable justice.

[Mr. MILLER: That is another thing.]

But he (Mr. D.) would show, also, that the constitutional clause was directly applicable to this point. The criminal jurisdiction of the State courts was extended to officers of the United States engaged in the execution of the laws. An act performed in the exercise of his duty by an officer of the army or navy, renders him amenable to the State tribunals, and he is punishable by them. The ordinance says, in effect, although you may be a military, or naval, or civil officer of the United States, and engaged in the performance of your official duties, we will drag you into the State courts, and, when there, we will preclude your appealing to the constitution and laws under which you acted, and we will try you by a jury sworn to convict you, out and out. That provision of the constitution, therefore, was entirely applicable to this case. If there was any heart and head on which the injustice of this course was indelibly engraved, he was sure it was on the heart and head of the gentleman from South Carolina.

He was going on to say, that the State of South Carolina, in nullifying the revenue laws, had nullified also an immense body of other laws. She had annulled the provisions of the judiciary act, prescribing the mode of appealing from the State tribunals to the federal courts, in all cases of law and equity arising under the constitution and laws of the United States.

But he would go farther. Not by the ordinance of South Carolina, but by the military arrangements of the Executive of the State, was that provision of the constitution which takes away from a State the power "to keep troops" signally violated. I take (said Mr. D.) these documents to mean fairly and candidly what they express. I take their meaning in their fair and candid spirit. They who framed the ordinance and laws are entitled to this construction. They mean what they speak, and perhaps something more than they speak. And when we see the Executive of the State keeping troops in Charleston, it is obvious that this provision of the constitution is violated.

Again: These laws of the State of South Carolina contain principles which are subversive of those of the United States. Not only is the supremacy of our laws whistled to the wind, but the paramount character of our national allegiance is denied and overthrown.

It had been asserted that the allegiance of the citizen is due only to the State to which he belongs. The principle which claims this allegiance for the United States was to be found interwoven in many of our laws. Congress is authorized to establish rules of naturalization—for what? Why, to convert an alien—a foreigner—into a citizen of the United States; to give to an Irishman, an Englishman, a Frenchman, or any other foreigner, the privileges of a native. How had Congress carried out this principle of naturalization? In reference to this established rule, (said Mr. D.) there is no test, no standard, which applied to native citizens. The individual who is born in Charleston, unless he quits the ranks of private life, and takes a public office, is never subjected to the obligation of an oath. But it is not so with the foreigner. We put a test to his lips the moment he desires to enter the sanctuary of our citizenship. What is it? He abjures all allegiance to a foreign sovereign—to the King of England, the King of France, or whoever it may be, and swears, not to support the constitution of any particular State, but the constitution of the United States. This, time out of mind, has been acted on as a constitutional law. He would ask the gentleman from North Carolina, whether, if the doctrine of paramount allegiance to a State should prevail, all the persons thus naturalized by the law of the United States would not be denaturalized and outcasts? There could be no doubt, therefore, that this principle was in violation of the constitution. These foreigners were sworn to support the constitution of the United States; but we were now told of an allegiance paramount in its character, and which they never heard of before, to which they were required to submit. This was not only an abrogation of the provision in the constitution which authorizes Congress to form rules of naturalization, but it was a violation of the personal rights of all those foreigners who had thrown themselves on the hospitality of our country. The constitution required no test but the oath of one who had arrived at full age, and who had come here of his own accord; when he wished to become a citizen, the oath was administered, and he was admitted to all the privileges and immunities of citizenship in every State. After taking that oath, he might go to any part of the United States wherever his disposition might lead him, for he had passed the Rubicon, and entered the temple of Liberty with us; and whether he became a resident of South Carolina, or any other State, he was entitled to the community of privileges.

I, (said Mr. D.) who have these rights, value as highly as any of her sons the citizenship of Pennsylvania. The privileges in that State were equal to those of any State. But he valued much more that privilege which, while it retained to him the reality of the citizenship of Pennsylvania, gave him also the title of citizen of twenty-three other equally respectable States. The title of citizen of the United States superadded loftiness and dignity of character to the other. It did not extinguish local pride and local affections; they ought to be cherished and preserved. But he did not consider that a common attachment to the other States diminished or interfered with those feelings.

Such were the extraordinary circumstances which constituted the cause of this bill being presented for the consideration of the Senate. Having reviewed these considerations, he could not help asking the Senators from South Carolina what was the actual condition of that State? What was her social and political condition? Those who were involved in the warmth of her local exasperations could not be aware of it. If they could withdraw their hearts and their minds for a moment from the sphere of that burning excitement, and view her condition with the eye of a stranger, they could not help deducing some inferences of a most lamentable character. What constitutes a republican form of Government? It was a broad question, and he would not pretend to answer it. But he might safely say that was not a republican Government where one man, or any combination of men, possessed lastingly, uncontrolled and unchecked, the entire powers of sovereignty. What is the definition of the Government now exercised in South Carolina? There is a constitutional Legislature in the State, but there is another power, not at this moment in actual session, which holds in its discretion all the right and the whole sovereignty of the people. This body was not restricted to any limits in action. Its power was indefinite, unbounded, and incalculable. It was not in session, but it appeared that the breath of a single man was sufficient to counteract or suspend their measures. Highly as he respected the people of South Carolina, possessing as they did all the rights inherent in a people, he could not but observe that their sovereign power was, in this instance, but an instrument in the hands of an individual, or a few individuals.

Every one knew what was the operation and meaning of a convention. A convention usually assembled for a special purpose. When they had completed the work for which they had convened, what followed? That which was done in the case of the constitution of the United States—the result was submitted to the people for their ratification. Was that done in South Carolina? The people had in contemplation nullification, not secession, and that peacefully. The ordinance of South Carolina provides for secession, and leads of necessity to force, and contemplates a conflict. Why had not that ordinance been submitted to the people for their ratification? The convention, whose duration may be prolonged at its own pleasure, holds the life of every man in South Carolina, his liberty, and his entire property, at its mercy. It was a standing revolutionary convention, untrammelled, in a republican country. These also were considerations which caused the present legislative measure to be submitted for adoption.

There was cause sufficient not only to justify, but to demand legislative interference. It was the action of a free and sovereign State, done with a settled and premeditated purpose. It jeopards the lives and property of citizens of the United States. There is a discretion vested, whether in a few or many no matter, which is hostile to all laws, to annul not one or two laws, but a whole volume of laws, which violates the constitution, endangers the rights of the States and the peace of the Union. And when this case is obviously, practically put to every man who looks the matter in the face, whatever the delusions of abstract theories, is it necessary to tell honorable Senators, who are bound to preserve the rights committed to their charge, that they should act; that they will be recreant to their oaths and their consciences, if they do not? It must be some reasoning stronger than any he had yet heard, some form of mind almost beyond the capacity of man, which could satisfy him that it was not necessary to legislate in this matter.

The second of the inquiries which he had set up as a sort of finger-post to guide him in his argument, was, Have we the constitutional power to enact this bill into a law? The Senator from South Carolina [Mr. Calhoun] had considered this to be the main question. It seems to me, said Mr. D., to be conceded by the argument of the gentleman from North Carolina, who is not now in his place, [Mr. Mangum,] that if we have the constitutional power to pass this bill, it is not merely expedient, but we are bound by our duty to do so. He would meet this question as fully as his limited powers would enable him. By this bill, continued Mr. D., we are asked to enforce the laws of the United States against a sovereign act of abrogation. This is the question precisely, as I understand it. We are asked to enforce the laws of the United States against an alleged sovereign act of abrogation. Can we do so? In my opinion, we can; and because we can, we must. I do not stop to inquire into the validity of the ordinance issued by South Carolina. As I understand the 11th and 12th articles of the constitution of that State, that ordinance is absolutely void. Irregularly precipitated, without having been submitted to prescribed forms, I believe it to be null. I have said, and do say, that they who made this ordinance, without relying on the purity of their own motives, ought to have sent it forth to receive the ratification of all the citizens. They had not done this. I feel some amazement that they did not adopt this mode of ascertaining the public will. After so essentially changing the course of justice, as to trammel the judges and jurors of the State, after embracing the feature of force, I think they should have sent their ordinance forth for the ratification of the citizens of the State. But let them settle that among themselves.

Have we the power to enact this bill? If the State authorities have the power to abrogate our laws, can they disclaim the constitution? If they can do one of those two things, they can do the other. I do not know that I should not prefer secession to nullification. Secession is manly, unmasked, open, and aboveboard; but nullification is secession in disguise, with a constitutional mask, partial in its pretensions, and covert in its operation. It is admitted that both put the State out of the Union; the one to the extent of its own rule, the other unqualifiedly. They are essentially dependent upon the same constitutional reasoning and principles; and what I have to say as to either will equally apply to both.

In discussing and determining a case of conflict between sovereignties, actual or alleged, we are necessarily driven to fundamental principles and researches. What, then, said Mr. D., is sovereignty? It is the power of self-government. Strictly speaking, a Government, in the ordinary acceptation of the word, is the mere agency or machinery through which the powers of society are exerted, and its rights enforced; sovereignty does not belong to it as an attribute. It may be considered representatively sovereign, but not otherwise. I agree, then, without hesitation, in this view of the subject, that the Government of the United States, (that is the Executive, Judicial, and Legislative branches, separately or conjointly,) are not sovereign. The people alone are the absolute owners and uncontrollable movers of such sovereignty as human beings can claim to exercise. It was unnecessary to remind us of this truth; although it seemed to be propounded as a forcible novelty. I hold it essential to the existence of republicanism, here or elsewhere. Had a starling been taught to repeat at my ear, every hour of my life, the phrase "the people are sovereign," I should not have known it better than I have always known it.

But exalted as is the attribute of sovereignty, like every thing else of which we can form any conception whatever, it is subject to the eternal and unchangeable rules of justice, of truth, and of good faith. Hence I say that sovereignty may curtail or surrender its own rights or powers, and to such extent cease, in fact, to be sovereign; and that it may be, nay, must be, bound to the perpetual observance of a pledge once voluntarily given, and involving in its continuance the happiness, interests, and existence of other sovereignties. Speaking in reference to mere physical liberty of action, sovereignty can do as it pleases; but the moral law is out of its reach; it cannot violate that, and be more justified than the humblest individual. He did not speak of cases of necessity. They are above all law, or rather are governed by a law of their own. They convert rebellion into revolution.

These views are as applicable to leagues, treaties, alliances, and mere confederations, as they are to national constitutional unions. The casuists of nullification strengthen their doctrine very little, if at all, by insisting that our Government is but a treaty or league between independent sovereigns. Who ever heard that such an obligation as that which results from a treaty or league could be rightfully cancelled or avoided, by either party to it, at his pleasure? The parchment may be torn to tatters; the seal may be cut from the instrument; but the moral obligation outlives the violated scroll; it rises like the phœnix from the relics; it cannot be destroyed. The injured party may persuade, and ultimately demand its fulfilment; if refused, war may enforce it. Sovereignty, then, however transcendental, must conform to the inexorable and all-pervading laws of right and wrong; and this is the only limit I prescribe to that which the Senator from South Carolina [Mr. Calhoun] seems to regard as absolutely unbounded, uncontrollable, and irresponsible.

The great leading question here is, what relation does the sovereign State of South Carolina bear, under the constitution, to the twenty-three other States, or to their acknowledged representative and agent, the Government of the United States? This can be determined solely by the constitution itself. Does that expressly or impliedly recognise her right to dissolve at her pleasure the Union it perfects, or the laws which that Union may enact? If it do not, the controversy is at an end. Clearly it contains no express recognition of either asserted right, nullification or secession. But they are both said to be implied, in the nature of our good political organization, and to be among the reserved rights of State sovereignty.

Let us, said Mr. D., inquire into the nature of our political structure. What is this political being—the Union, commonly styled "the United States?" A consolidated multitude? Certainly not. A federation merely of totally distinct masses of people? Certainly not. It is something then of a complicated character, between these two, or combining them both. To be justly appreciated, it must be well understood, and not flimsily considered. Generalization and vague abstractions delude us, and necessarily lead to false conclusions. No one denies or doubts that the constitution was formed by the people of the United States; and no one denies or doubts that it acts directly upon the people. Its origin and action are therefore popular or national. But was it not formed by the people as distinct aggregates called States, in their sovereign capacities? Clearly it was. And is it not carried on, through some of its essential processes, by the separate States, as sovereigns? Clearly it is. Its origin and action are then federative. Thus it is both popular and federative; or, in other words, it is an entire National Government, of which both the Union and the distinctiveness of the sovereign States are fundamental and inherent qualities.

The frame of our Government would seem to have two aspects; and all disputations arise from the common propensity to insist that it has but one. The hardy champions of what is called consolidation, and the jealous guardians of State rights, adhere obstinately to their respective theories; keep at a stern and steady distance from each other; and, like parallel lines, never can approach or unite. They reminded him, said Mr. D., of the trite old tale of the two travelling knights, who, passing on different sides of a sculptured image in the road, began to debate about it; the one insisting that its color was white, and the other asserting it to be black; an humble friar whom they met, and to whom they submitted their controversy, adjudged the image to be both black and white, and proved it so, by making each of the knights examine the side which before had been seen by his opponent only. Let the constitution of our Government undergo a similar trial by the partisans of the respective opposing theories, and the result will be similar; they would ultimately agree that it is not wholly what either represents it to be, and yet that it possesses the properties which both ascribe to it.

I am apprehensive, said Mr. D., that historical references can throw but little light on the true nature of our constitution. It must be its own best expounder. It is written. Its features are strongly delineated and powerfully expressive. It was designed to last for ages; and was intended to be, in word and spirit, just as comprehensible and clear to the eleven new State sovereignties by which it has been embraced since 1787, and to countless future ones, as to the original thirteen. Historical narrative is often contradictory, often imperfect, and very rarely within the reach of that great mass by whom this instrument was meant to be understood. Upon the leading point, the popular or federative character of our political institutions, we might be fatally misled, according as our attention was more or less turned to the circumstances of four striking periods of our annals. He would advert to them for a moment; more in dread of the maxim "*qui hæret in litera hæret in cortice,*" than from a belief that any but the last could be usefully dwelt upon. These epochs were those of, 1st. The General Congress which met at Philadelphia on the 5th of September, 1774; 2d. The declaration of independence, of the 4th of July, 1776; 3d. The articles of confederation, of the 9th of July, 1778; and, 4th. The present constitution, of the 17th of September, 1787.

1. The composition of the Congress of 1774 was governed by no uniform principle. Its delegates, or deputies, or representatives, were appointed and assembled without reference to any basis either of federation or consolidation. It may, without any want of respect to the great spirits and patriots who constituted it, be described as a scrambling Congress; one raked together irregularly and confusedly from all parts of the country; whose constituents disregarded, or were ignorant of, the jealous refinements of distinct territorial sovereignty; and got together, and kept together, under the influence of a common sympathy, of common wrongs, and of common purposes. It was certainly an assemblage more national, or popular, in its apparent origin and influence, than federative. It was designated the Congress of the United Colonies, notwithstanding the looseness of its formation. Confidence supplied the place of preconcerted system. I hold in my hand, said Mr. D., an analysis of the proceedings in each of the colonies, by which the members of this celebrated Congress were selected and empowered to consult and act for the common good. It may not be useless briefly to refer to it. The members who came from New Hampshire were chosen on the 21st of July, 1774, at a meeting of deputies of several towns. Those from Massachusetts Bay were appointed by the House of Representatives of that province in June, 1774. In August, 1774, the General Assembly of Rhode Island chose delegates, who were commissioned by the Governor. In Connecticut, the Colonial Committee of Correspondence appointed persons to consult and advise with the commissioners or committees of the several English colonies in America, in July, 1774. In New York, the members were elected by committees from the city and county, and from other districts. In New Jersey, deputies to represent the colony in Congress were appointed by committees convened in the several counties. The province of Pennsylvania was provided with a committee, to meet the committees or delegates from the other colonies, by the Assembly, on the 22d of July, 1774. In the three counties of Newcastle, Kent, and Sussex, in Delaware, delegates were appointed by the Assembly, on the 1st of August, 1774, to a general continental Congress, to determine on such measures as ought to be immediately and unitedly adopted by the colonies. In Maryland, a general meeting of delegates from different counties appointed deputies to attend a general Congress of deputies from the colonies, to effect one general plan of conduct. In Virginia, the same course was pursued as in Maryland. In South Carolina, deputies were nominated at a general meeting of the inhabitants of the colony, which the Commons House of Assembly confirmed. The meeting of these delegates, thus variously designated and authorized at Philadelphia, on the 5th of September, 1774, was by themselves, in one of their earliest and ablest documents, an address to the inhabitants of Quebec, delineated as "a bright and strong chain of union."

Mr. D. begged pardon for entering into these detailed statements. They served to show, however, that union preceded independence. Independence, indeed, and the sovereignty wrested with it from the crown of Great Britain, were achievements of union, and were wholly unattainable without it. The Senator from Virginia [Mr. TYLER] was historically inaccurate when he conceived independence to have been declared by any single State. North Carolina and Virginia spoke the word earliest; but only in resolutions recommendatory of its declaration by the general Congress for the United Colonies. It would have savored of folly or madness for any one of the colonies to have contemplated or attempted its detached independence. So far, indeed, were they from any thing of the sort, that an idea of subordinate dependence upon the Congress seems to have actuated Massachusetts, Virginia, Pennsylvania, and other colonies, when they in succession took instruction from that body as to the expediency and mode of establishing new local Governments.

2. On the declaration of independence, it could not be expected, said Mr. D., that he should say much. Its language was as familiar as household words. The manner in which it was referred to by General Charles Cotesworth Pinckney, a member of the South Carolina convention of 1788, was applicable to our inquiry, and would supersede the necessity of comment. Mr. D. here read from Elliot's State Convention Debates: "The separate independence and individual sovereignty of the several States were never thought of by the enlightened band of patriots who framed the declaration; the several States are not even mentioned by name in any part of it, as if it was intended to impress the maxim in America, that our freedom and independence arose from our union, and that without it we could be neither free nor independent; let us then consider all attempts to weaken this Union, by maintaining that each State is separately and individually independent, as a species of political heresy which can never benefit us, but may bring on us the most serious distresses."

Thus far, said Mr. D., history is, upon the main point, at the least equivocal. The next epoch, however, is peremptory and indisputable.

3. The articles of confederation of 1778 removed all probability of subsequent cavil. They were an agreed compact, whose second line began with the emphatic annunciation that "each State retains its sovereignty, freedom, and independence; and every power, jurisdiction, and right, which is not, by this confederation, expressly delegated to the United States in Congress assembled."

But I hasten, continued, Mr. D., to the only period of history really illustrative and binding upon the existing Government—that of the present constitution of the United States. And this must be viewed in respect to its formation, and in respect to its ratification. My own conviction always has been, after carefully examining the instructions and powers with which they were invested by their respective constituencies, that the members of the convention of 1787, wise, virtuous, and patriotic, as they undoubtedly were, transcended their authority. Their prescribed task was in truth, and simply, to amend the articles of confederation, in those parts especially which experience had proved to be defective and inefficient. They were not directed nor empowered to make a totally new system; to settle political and social relations upon altogether a new plan, and with new combinations; to relinquish the subsisting, and devise a substantially different form of Government. The American people intrusted them with no such extensive discretion; they intended to burden them with no such Herculean labor. Such was the opinion of many of the members of that convention who struggled hard and long to enforce it, and to maintain, in its purity, unimpaired, the mere federative character of our institutions. Robert Yates and John Lansing, of New York, with Luther Martin, of Maryland, were conspicuous among these. They have left an interesting and authentic record of the progress of principle and result in the convention. The constitution, as now formed, was resisted by these gentlemen, and their associates, on the ground of its being a structure unauthorized by the people or the States, and as establishing a united National Government. It is a mistake to think otherwise. The Senator from Virginia [Mr. Tyler] must permit me to say again, that he is inaccurate in representing the constitution to have been finally accommodated to the sentiments of those who opposed its earliest and latest steps. Mr. Yates and Mr. Lansing left the convention in utter despair of effecting any change in the views and work of the majority. And Mr. Martin, in his "Genuine Information," subsequently laid before the Legislature of Maryland, placed imperishably upon record his protest against the instrument as perfected, and submitted, for adoption or rejection, to the people. This constitution was understood, both by its friends and its enemies, to involve a partial surrender of State sovereignty; by the first, this surrender was described as limited to certain powers or rights, though absolute as to these; by the second, this surrender was magnified into an utter divestiture of State rights, and as producing a grand and dangerous consolidation. I speak the words of Jefferson, said Mr. D., when I insist upon taking the constitution in the sense in which it was adopted by the States; that in which it was advocated by its friends, and not that which its enemies apprehended. The very men who studiously elaborated every sentence of it, conveyed its characterizing peculiarity to Congress, in the letter by which they accompanied the act of depositing it for scrutiny before that body, and the people at large. I refer, said Mr. D., to the letter signed by George Washington, as President of the convention, dated the 17th September, 1787. "It is obviously impracticable in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all." "It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved;" and, lastly, "In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence."

Whatever, however, may be the success of ingenuity in explaining away language thus clear, used by those who formed the constitution, it is impossible to mistake the sense in which it was finally ratified by the people in the conventions respectively representing or embodying their State sovereignties. And here, after all, is the authoritative point of investigation. No matter who concocted the system; no matter what may have been their actuating motives, or impelling principles; no matter whether they were originally warranted by their letter of attorney; no matter how they regarded the tendencies of the Government which their labors had matured into form and shape; was it understood by those who ratified and adopted it? Was its true character fairly and fully developed? Did the American people make it, theirs, understandingly and intentionally? These are the only questions whose solution definitively terminates dispute. Sir, said Mr. D., in every one of the sovereign conventions it was avowed to be, and called, a National Government, of a compound nature, for specified purposes, whose constitution and laws were to be paramount and supreme. This was the definition and representation of all who advocated its establishment; and this was the sense in which it was every where adopted. I turn, said Mr. D., in proof of what I say, to three leading examples—the discussions in the conventions of Pennsylvania, South Carolina, and Virginia; and I select the views of those statesmen who are known to have led to the conclusion attained in each. James Wilson and Thomas McKean, in Pennsylvania, Pinckney and Rutledge, in South Carolina, and Madison, in Virginia; and I cannot even mention the name of this last eminent man, said Mr. D., without accompanying it with the expressions of an abiding belief that, for purity of heart, lucidness of intellect, integrity of purpose, wise and patriotic forbearance, and unflinching firmness of truth, our country has not furnished his superior in the walks of public or private life. He will go down to our most distant posterity as the best model we have yet had of what an American statesman should be.

[Mr. D. then read extracts from the debates in the several conventions to which he had referred, tending to show that the constitution was distinctly and impressively declared not to be a league, an alliance, a council, a confederacy, but a Federal and National Government, in the structure of which each State surrendered a portion of its sovereignty, which was competent to enforce its own laws against State power, and whose Judiciary, within its prescribed sphere, was uncontrollable by that of any State.]

These illustrations, continued Mr. D., are conclusive to show the sense in which the constitution was ratified by the people of the several States. He placed little or no reliance upon mere detached words or phrases; his confidence was in broad and distinct explanations of principles and powers. It is more curious than convincing to observe, as he had done, in the *fac simile* of the original draught of the Declaration of Independence, that its first line stood thus: "When, in the course of human events, it becomes necessary for a people to dissolve the political bands," &c., and that subsequently the indefinite and unmeaning article was made to give way to an interlineation of pregnant signification, and the sentence altered to what it now stands: "When, in the course of human events, it becomes necessary for one people to dissolve the political bands." It was also more curious than convincing to notice, as he had, the conjunctive import of the phrase, "We, the people of the United States," in the preamble of the constitution. "The United States" must have been here used in the sense in which it is undeniably used in every other part of the same instrument. It involves no allusion whatever to the separate sovereign States. It is the corporate style of the nation, and suggests to his mind exactly the same idea as "America" did to our early patriots, or "Columbia" would have suggested, had it been adopted, as was once proposed. And so also is it more curious than convincing to notice the undistinguishing, and, if he might be allowed the expletive, the unfederative description of the country contained in two small words of the second clause of the sixth article of the constitution: "This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding." There is a consolidating aspect about "the land," as descriptive of the range within which our constitution and laws were to be supreme, not perhaps discernible in any other single sentence of that instrument. But enough of critical niceties. They, nor any of the matters to which he had referred, were not resorted to as evidence of the existence of one consolidated people. He detested, equally with any man, such a conclusion, as alike destructive of the federative columns on which the constitution has reposed the Government, and dangerous to the liberties of the country.

Mr. D. hoped he had not altogether failed in showing the nature of our political organization. The people, in distinct aggregates of States, had made it. The same people can destroy it. But how can they destroy it? By one of two ways only: by the process of constitutional amendment or change, as prescribed; or by the process of revolution. Both ways are sovereign rights: the first, reserved and directed in the constitution itself; the second, inherent and unalienable by nature. But can any alteration of the constitution be, consistently with its provisions, effected, except in the manner it expressly ordains? If it can, any manner is as effective as the one agreed upon; and our sages very absurdly burdened the instrument. Sir, said Mr. D., shall a single State, exercising her sovereignty by the force of a majority of her citizens, do that which is unequivocally prohibited to less than three-fourths of the States? Such an exertion of sovereignty is incompatible with the essence, the moral essence, of the constitutional compact. It denies and renounces the obligations of justice and good faith. It is a claim to cancel and ride over the most sacred engagements entered into with the highest and most imposing solemnities of sovereign action. It involves a pretension to do wrong without responsibility. I have admitted the physical power, the competency of force and numbers; but I deny, wholly and unqualifiedly I deny, the moral right.

It struck him, continued Mr. D., as practically incongruous and preposterous, to reserve a right to resume at pleasure what is agreed to be surrendered, and has been finally surrendered. But I am asked, who shall be the judge whether the surrender has really been agreed upon or actually made? In other words, whether the exercise of a power by law be constitutional or not? I do not say the Supreme Court, nor do I say the entire Government of the United States; although I am inclined to believe that they who insist upon either or both of them have the warrant of the constitution for their positions. There is another tribunal in the way of nullification or secession; and I answer, that the only judge in the last resort, whether the constitution shall be at an end or not, whether the Government shall be arrested in its operations or not, is the very sovereignty by which it was created, and from which it received its first impulse; that sovereignty is "the people of the United States." No earthly power can, of right, impede the course of their Government, except those whom they have, from the starting place, commissioned to do so, or themselves. If they have commissioned, as I am disposed to think, a Judiciary constituted by themselves, upon principles and after forms prescribed by themselves, to revise and determine, well; if they have confided in the whole Government, perpetually renovated and supervised by themselves, this discretion, well again; but if neither of these tribunals be vested with this great attribute, then I say it is with themselves; it has certainly been given to no other agency or being. The right to judge finally, then, is with the same sovereignty whence the constitution emanated. It belonged to no isolated or detached portion of it. I plant myself also upon the reserved rights of the States, like my friend from North Carolina, [Mr. BROWN.] Not on the reserved rights of any one of the States, but of all. The constitution was the creature of all; its destruction or abandonment cannot be rightfully accomplished, except by a movement which shall bind all.

Sir, said Mr. D., I cannot find in the constitution, expressly or impliedly, a warrant for the course of South Carolina, and can therefore entertain no doubt of our constitutional power to enact this bill into a law. What are its tendencies and objects?

It is painful to see the true character of a legislative measure so strangely perverted or misconceived as this has been in the course of the present debate. We have it in print before us; it has lain upon our desks for many days, liable to the strictest examination; it hangs, inaccessible to vision, upon no lofty pillar; it has already travelled through the press, and has been canvassed by the people, in a variety of ways; it cannot now be deformed by mere rhetoric, nor buried under a mound of obloquy. Like the constitution on which I have been commenting, its words are plain and intelligible, and it is meant for the home-bred, unsophisticated understandings of our fellow-citizens. Who cannot perceive that, in every one of its provisions, in all its possible action, it is purely and simply defensive? It is illuminated with a declaration to which a Senator adverted, "let us alone, and we will let you alone." It is called into being by the ordinance, laws, and military demonstrations of South Carolina; and it cannot work, except as counteractive of avowed schemes to evade, resist, and nullify our laws. These schemes, it is agreed on all hands, must succeed, if we supinely fold our arms. If they are legitimate and just, let them succeed; if they are wrong, and subversive of our peace, our constitution, and our statutes, we must act, or give up the Government as incapable or unfit to be administered. The bill proposes to exhaust the civil and judicial means of carrying the laws into execution, before a single movement of a different kind be countenanced. When our legal custody of imported goods, under the duty act, is avowedly to be defeated by the extraordinary replevin law, can we do less than double the number and strength of our custom-house bolts and bars? When the avenues to justice are poisoned or polluted by test oaths, can we do less than devise modes of reaching and entering her eternal temple, through purer and safer channels? And when the sublime terrors of the blue cockade and the Palmetto button are paraded before our eyes, may we not be excused, if, in mere effort to keep our courage from oozing out at our fingers' ends, we permit the eagle to soar a little, only a little, and the stars and stripes to fan but gently our fainting spirits? Sir, said Mr. D., law is alike odious and dangerous to those who wish to disobey it. Restraint is always arbitrary, dictatorial, despotic, in the vocabulary of those who desire to do as they please, and what they please. Yet are the people of this country strongly impressed with the conviction that, without law, there can be no liberty; and that they who preach disobedience to the one, are the most apt to disregard the other. There is something very oppressive about the course of control which this bill sanctions. Obedience to the revenue laws is to be enforced first, through collectors, surveyors, and tide-waiters. Is not this, sir, quite unprecedented? Then, the interference of marshals, bailiffs, and tipstaves, is authorized. Who can imagine a greater extension of arbitrary power? Anon, impartial (aye, there's the rub) judges and jurors are provided. Is not this assuming a most belligerent and offensive attitude? But it gets worse and worse; if our laws are threatened with prostration, our officers with violence, and the community with riot, conflagration, and bloodshed, why then the bill, in pure, unmixed, unmitigated despotism, arms the President with the overwhelming and exterminating power of issuing death warrants. No! his proclamation to disperse! Sir, the Boston port bill, the Jersey prison ship, the imperial ukase of desolation against Poland, was nothing to this; all their virtues concentrated could not equal a Presidential proclamation to enforce the payment of duties on a hogshead of sugar! But enormity accumulates upon enormity; and this dreadful bill, denounced as a declaration of war, actually authorizes the officers of the customs, when the property under their charge shall be endangered by unruly combinations and force, to back out of the scrape, run away, and not to stop until they have a river between themselves and their assailants! It is too much; the principles of '98, the holy cause of human freedom, the blood of our ancestors, the blue cockade and the palmetto button, cannot sanction or endure it.

Sir, said Mr. D., this is, in plain reality, the outline of the bill, until we reach a point at which, for the purpose of protecting the lives, liberties, and properties of our fellow-citizens in South Carolina, it may become necessary to quell refractory and treasonable disobedience with the vigor and promptness of military or naval force. If the emergency be brought on by those who are bent upon throwing off their allegiance to the constitution and laws of the land, we may deplore, but we cannot avoid it; we must meet it with every possible forbearance, but with firmness. Ours will not be the responsibility for consequences, unless we fail in preparing adequately and effectively to prevent or ameliorate them. Nor have I the dread, which is entertained by others, of using, on special occasions, and by authority of law, the regularly armed energy of the country. In its present reduced condition as to numbers, though admirable state as to discipline, more force could not be expected to be at any time, or on any point, at the disposition of the Executive, than Mr. Jefferson called out, under one of the precedents for the present law, to carry into effect the embargo.

In all such cases we shall probably find, as that Chief Magistrate found, that there was great efficacy in being prepared; that the maxim is universally applicable, "*ostendite bellum, pacem habebitis.*" But, sir, I have heard our army and navy strangely characterized in the course of this discussion; they have been termed hired mercenaries! Do they merit the imputation? Are the band of gallant officers who have shielded you from invasion, or carried the national flag in triumph over every sea, and under every sun, hired mercenaries? We used no such language during the war for free trade and sailors' rights; while our tars were humbling a haughty foe, and sending into our ports, to be greeted with our acclamations, prize after prize; or while the scarlet trappings of British enterprise and valor glittered on the heights of Baltimore, or the plains of New Orleans, destined, at both places, to encounter a relic of revolutionary worth. We used no such words as hired mercenaries, then; they were unknown, alike to our hearts and our lips; and may they pass into utter oblivion before times equally trying shall again occur!

Our Union, said Mr. D., is an incalculable blessing. While it has lasted, what have we not accomplished, both in peace and in war? All the great objects of human associations have been cultivated and attained with almost unexampled rapidity and ease. Liberty has been chastened, and made forever stable; science has been stormed in her hundred trenches, and mastered in all her ramparts; happiness has gently diffused itself throughout an immense population, taking its own ways over a boundless region of country; and wealth and power have gradually made the American people rivals of Greek and Roman fame. All the high aims, too, of a virtuous ambition have been reached in war. Independence consummated; renown every where acknowledged; glory, bright among the brightest! Yield away the constitution and the Union, and where are we? Frittered into fragments, and not able to claim one portion of the past as peculiarly its own! Sir, our Union is not merely a blessing; it is a political necessity. We cannot exist without it. I mean, that all of existence which is worth having must depart with it. Our liberties could not endure the incessant conflicts of civil and conterminous strife; our independence would be an unreal mockery; our very memories would turn to bitterness. The Senator from Virginia justly compared our political institutions to the planetary sysem. I wish he would agree with me in saying, that the great principles of attraction and repulsion are equally necessary in the two cases; that the sudden interruption of either must be fatal; that the National Union of sovereign States can alone preserve us from chaos.

Mr. MILLER, of South Carolina, then rose, and said that after the powerful argument to which the Senate had just listened, and the condemnatory tone of that argument, in reference to the conduct of the State of South Carolina, it was incumbent on him to make some observations in justification of the proceedings in that State. He would either proceed now, or postpone his remarks until to-morrow, at the pleasure of the Senate. Mr. M. here gave way to a motion to adjourn, and

The Senate adjourned.

SATURDAY, FEBRUARY 9.

MILITARY ORDERS.

The Senate proceeded to consider the resolution offered by Mr. POINDEXTER, calling for copies of all orders, &c. to military and naval commanders at Charleston, &c.

Mr. GRUNDY, remarking that a few moments only of time remained before the hour at which the special order was to be called, said he should be brief in what he had to say in reply to the remarks made yesterday upon the amendment proposed by him, having for its object to leave the usual discretion with the Executive in regard to the papers proposed to be asked for.

From what he (Mr. G.) had said, the gentleman from South Carolina [Mr. CALHOUN] had seemed to draw an inference that some correspondence, of an exceptionable nature, had taken place between the President and some individuals in some part of South Carolina. I have only to say, upon that point, said Mr. G., that that inference can find no foundation or support in any remarks of mine. I said nothing whatever to warrant it. Nothing that I say or know must be relied upon as evidence of such facts, as the gentlemen seems to suppose to exist. What I said was this: that, considering the peculiar situation of affairs in the State of South Carolina, it was a thing to be expected that individuals should have written to the President on the subject; not that the President had responded to such communications, or given information in return. I spoke, in saying this, the inference of my own mind, drawn from what every one knows to be the state of things there. When parties were arrayed against one another as they are there, and a great excitement existed, it was not to be presumed that every one would remain silent, and that the General Government would have no information of what took place there. This was a supposition entirely inadmissible by any well-regulated mind. But he had not intimated that the President had responded to such communications, nor had he heard it charged that he had. He had indeed seen something in a South Carolina paper, importing that the proclamation of the President had been known of there before it was known here; but he had seen that rumor contradicted here by a paper entitled to as much credit as the one which promulgated it, and he had no belief in it.

It had been said, that the President could withhold any information he chose, without the qualification proposed to be given to the resolution. That was very true, Mr. G. said. It had also been remarked, that the President was not afraid of responsibility. That was true, too, Mr. G. said. Every body knew it to be so. But, in asking him for information, it ought to be so asked as not to seem to require from him more than he ought to communicate. What is it, said Mr. G., that we wish not to be communicated? Only that the names of private individuals, if any such are connected with the information in possession of the President, may not be exposed. There was no necessity for any such disclosure. Whatever the Executive had done, he would communicate; and why he had done it.

It was merely to prevent private individuals from being compromitted, that Mr. G. wished to limit this call. Was not party excitement already high enough in South Carolina? Was it not already high enough throughout the nation? Did gentlemen want to add fuel to the flame? If they did, Mr. G. said he was opposed to it. He would rather see peace, and good will, and harmony prevail, than by any act or vote of his increase the discord.

Mr. CALHOUN here apologizing for interrupting Mr. GRUNDY, suggested that it would perhaps save him some time to apprize him that the mover of the resolution was not present in the Senate at this time.

Mr. GRUNDY said he should soon finish what little he had to say, when the resolution might be laid over 'till the mover was present. He wished that this resolution, without being the means of any unnecessary excitement, should be promptly acted upon, because he believed that it would elicit information which would go in a great degree to allay the public feeling, and to remove groundless apprehensions; that it would indeed abate rather than increase the existing excitement in the South.

The Senator from South Carolina had seemed yesterday to intimate that the information which he (Mr. G.) had then given ought to be regarded as semi-official. Now, Mr. G. said he wished that Senator and all others to understand this: that when he spoke on this floor, he spoke as one of the representatives of the State of Tennessee, and that no other individual was to be affected or committed by what he said. When he did speak for others, he would say so: when he did not say so, he spoke only as one of the representatives of Tennessee. He disclaimed any remarks of his being taken for any thing but the dictates of his own judgment, for which no other person was responsible.

He would now state to the Senate (that there might be no misunderstanding of the subject) what kind of a resolution would answer all his purposes, anxious, as he really was, that the whole matter should be spread before the American people, believing that it would appear to be of a peaceful and not warlike character. The resolution might read thus: That the President of the United States be requested to lay before the Senate copies of all orders which have been issued in relation to the operation of the troops or armed vessels of the United States in or near the State of South Carolina, since the first day of July last, (or any other date that gentlemen pleased.) Under such a resolution (said Mr. G.) we should get the whole of the information desired, without requiring, or appearing to require, of the President any information which might injuriously affect any individuals.

[The debate here ended for the present.]

SPECIAL ORDER.

The CHAIR having called the special order, being the bill to provide further for the collection of the duties on imports—

Mr. FORSYTH moved to postpone the further consideration of the bill until Monday, with a view of proceeding to the consideration of executive business.

Mr. WILKINS asked for the yeas and nays, which being taken, stood:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Calhoun, Clayton, Forsyth, Grundy, Hill, Kane, King, Miller, Moore, Naudain, Rives, Robinson, Smith, Sprague, Tipton, Tyler, Waggaman, White, Wright—23.

NAYS.—Messrs. Bell, Buckner, Chambers, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Johnston, Knight, Prentiss, Robbins, Seymour, Tomlinson, Webster, Wilkins—17.

So the motion to postpone was agreed to.

MONDAY, FEBRUARY 11.

MODIFICATION OF THE TARIFF.

Mr. CLAY gave notice that he should on to-morrow ask leave to introduce a bill to modify the various acts imposing duties on imports.

MILITARY ORDERS.

The Senate then proceeded to consider the resolution offered by Mr. POINDEXTER.

Mr. POINDEXTER said, he did not rise to go into a further discussion of this subject, but merely to mention, that a call, analagous to this, was once made on Mr. Jefferson, at the period of what was called the Burr conspiracy; when a resolution was introduced, in the other House, by Mr. Randolph, which went further than this. It was to ask of the Secretary of State what had been done in relation to the supposed conspiracy, and what was intended to be done.

Mr. GRUNDY: I am thoroughly persuaded it is of great importance that the public should be in possession of the orders, whatever they may be, that have been issued from the War Department, in relation to this subject. My fear is, that if we keep on discussing the resolution every morning up to the time when the order of the day is taken up, we shall lose the benefit of having these papers spread before the Senate and the public; and may, perhaps, change the character of the discussion now going on in relation to the bill pending before the Senate. Hoping that the evils which he had originally feared from the adoption of the resolution without amendment might not happen, he was induced to withdraw his proposition to amend, and to request the Senate to adopt the resotion in the regular form.

The resolution was then agreed to without amendment.

REVENUE COLLECTION BILL.

The Senate having proceeded to consider the bill to provide further for the collection of the duties on imports:

Mr. **MILLER** rose, and said he was greatly indebted to the motives of the Senate for rising after the conclusion of the Senator from Pennsylvania. He was persuaded that the liberal spirit which dictated this course had its origin in a source of benevolence more enlarged than mere personal courtesy to himself. It is very obvious (said Mr. M.) that this bill is in the nature of a bill of outlawry against South Carolina; a species of trial for political heresy; common justice requires that he should be permitted to plead. She has the plighted faith and sacred honor of representatives of the States that an impartial sentence will be pronounced. The elevated rank which that State has always maintained cannot make her indifferent to the opinions of others; yet a firm reliance on the correctness of her principles will not permit her, out of deference to others, to disown them, or dissemble where she does not believe. I may be permitted, once for all, to say, we are attached to the Union as we are to all good things; we cherish it for the blessings it bestows. While we admire and venerate the Union, let us not be understood as so far enchanted by a name, as to surrender every thing to it. We love the Union, but we love our rights and constitutional freedom more. I shall attempt to prove, by fair reasoning and facts, that the people of South Carolina are bound to obey the ordinance which is the inducement to our present legislation. If I can make good this position, it will follow that any act of Congress which shall control such obedience is unauthorized, and must find its support in the power to act, and not in the right to do so. In advance, I protest against the doctrine that the States never were sovereign. South Carolina was sovereign before the 4th of July, 1776; her separate character was never merged by the Declaration of Independence, nor by the articles of confederation. The old articles of confederation were concessions by the States of certain powers in derogation of their sovereignty, but not subversive thereof; they retained every power not delegated, and some of the powers conceded were as purely sovereign as any in the present constitution; the right to enforce the powers conceded was as ample and conclusive. The Union was declared to be perpetual by the old confederation; when the proposition was made to adopt the present constitution, all were free to adopt or reject it. The first revenue law recognised North Carolina and Rhode Island as out of the Union; they were adherents to the confederation. The other eleven States seceded from the then Union, and had no right to declare war against North Carolina and Rhode Island, to compel them to come into the present Union: they might have remained out of the Union up to this time. Their rights were the same then as all others, and all others the same as theirs; they were all independent States, free to come in or not.

South Carolina, in her sovereign character, came into the Union. If the States were sovereign when they adopted the constitution, and did not, at that time, intend their own annihilation, then they certainly can maintain the right to protect themselves against annihilation. Every superior court exercises the power of self-protection. It is impossible to conceive of sovereign power divested of the right of self-protection. To recognise such a principle is political suicide. The intention to surrender this vital principle cannot be presumed. It must be express. No inference from doubtful premises will authorize the assumption that a sovereign meant, by parting with a portion of power, to surrender all. A contract which would deprive a freeman of his liberty, to make him a slave, must not depend on implication. No man ought to be construed out of his life; no sovereign ought to be supposed, intentionally, so blind and reckless, as to stipulate for his own disfranchisement, unless upon the most explicit terms. There was no motive to destroy the States as sovereign communities at the time of the adoption of the constitution. The terms used will not warrant such a construction; and, out of abundant caution, the rights not delegated were reserved expressly. If it can be shown that the opposite theory, the one which supports this bill, does not regard the States as having any rights whatever; that there is not a vestige of power that they can call their own, or assert as their own, but which this Government may supersede by force, that theory cannot be right. What right can a State have which she may lawfully refuse to surrender? Not one. There is not a principle of municipal or criminal law, but what Congress may repeal, and enforce by the sword. They may pass laws of primogeniture, to foster manufacturing arts and civilization. They may foster capital, and make it accumulate in the eldest son, to promote the general welfare; and, when this is done, the federal judges will have jurisdiction of such cases, and will surely support the law. The whole criminal code can be made tributary to the clause that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unjust punishment inflicted." It may be urged in vain: this restriction applies alone to the Federal Government.

We have heard the Senator from Pennsylvania denounce South Carolina for not conceding a fair trial under the sixth amendment, which was intended, when adopted, to apply only as a restraint upon the Federal Government. Under the clause authorizing naturalization, Congress may declare no American citizen shall lose his life under State laws, or be deprived of the rights of a citizen by decapitation; and the armed force of the nation be put at the power of the President to enforce the right of citizenship against the criminal power of the State. Every culprit may appeal to the federal courts, and the whole criminal justice of the country be superseded. Take a clause in the bill under consideration as a sample.

"Sec. 3. Upon suggestion and affidavit of a rogue or villain, that he is prosecuted for something done under law of Congress, this, *ipso facto*, is to transfer the case from the State court to the federal court."

It must be for something done in furtherance of the revenue law; but who is to decide whether it is a flagrant highway robbery, or the innocent execution of the revenue laws; that it is to be transferred by the defendant, the culprit, upon his own construction of his own rights? He has the absolute right to decide the character of the charge, and, upon his oath, stained with perjury, warped by prejudice, or bottomed in ignorance, he is transmuted into the federal court. If he be really guilty of misdemeanor against a State law, or has committed a capital crime, and sees the approach of his punishment, his guilt apparent, or the proof ready forthwith to subject him to the retributive justice of the violated laws of a State—without the slightest foundation for the truth, the State judge must, if the guilty person makes the affidavit, transfer him to the federal court or federal jail. When he is brought for trial in the federal court, it may appear on the trial that the court has not the pretence of jurisdiction, and thereupon the prisoner may be discharged; there is no power to remand him to the State court. By this means a criminal may escape his punishment, and the State courts and the State authority trampled on by the lawless felon. The right to transfer is preceded by no examination; the prisoner is to be judge in his own cause, and would be blind to his own prospect of escape, if he did not swear roundly where he was clearly guilty, in order to get out of the clutches of the law.

Thus it appears that the States may not only lose all power to punish offenders against their laws purely local, but that it is proposed actually to enact such a provision. The Senator from Delaware, to whom I always listen with pleasure--to none more so—in his argument against the rights of the States, puts an extreme case. He says: Suppose 10,000 foreigners to become naturalized, and to locate themselves in Delaware; they would be equal to the present number of votes in that State; they might nullify a law of Congress; and that this would be an efficient means in the hands of foreigners to subvert our Government. Sir, I admit this is an extreme case, and a violent supposition; but I will meet it; I will never be driven from a general rule laid down by me, by an extreme case; a principle, to be worth any thing, should be able to resist all extreme cases. Although the Senator has thought proper to disparage State rights in the person of Delaware, so ably represented by him on this floor, I will not follow his example. I have known a judge refuse to let counsel suppose him capable of committing a fraud. I consider it somewhat a discourteous supposition, that a concentration of foreigners in the State of Delaware might be the means of introducing foreign influence, and injury to the operations of our Government. My reply to this case is, that if ten thousand foreigners are naturalized in the United States, and settle in Delaware, they will be citizens of that State. If, by their votes, a law of Congress is arrested, no matter from what motive, you must apply the ultimate reforming power, as was done when Burr ran for President against Jefferson, and Chisholm sued the State of Georgia. Because the State of Delaware, from her numbers, may not be able to resist the force of numbers thrown upon her under the laws and constitution of the United States, it is no good reason to argue either Delaware or any other State out of her reserved sovereign powers and rights.

If Congress were to levy an export duty, (if they can lay a general embargo, they can levy an export duty by the same reasoning—the greater power includes the minor,) in that event, ought not Delaware to disregard it, or any other State? And yet any legislative declaration, sustaining the rights of the citizen, may be met with military power. Instead of the States being sovereign, the opposite argument makes them slaves. The definition of a slave is one who holds his rights at the pleasure of another; the States hold their rights at the will of Congress; *ergo*, the States are slaves. Where two persons claim land under different grants, the correct rule is to locate in favor of the elder grant. In doubtful cases, begin at the old well known corner, which is, the States were sovereign and independent when they made the constitution, and fairly allow to each party within their grants what the compact gives, and to the States the benefit of the above rule. In politics, you may as well dispute the proposition, that in the beginning the States were sovereign, as in religion, to dispute that in the beginning the "word was God." He who does either is an infidel to the true faith of our constitution and religion, and I will waste no words with him, but proceed from premises admitted to conclusions denied.

After the adoption of the federal constitution in a convention of the people, South Carolina made her own, in which there is this article: "All power is originally vested in the people, and all free Governments are founded on their authority, and are instituted for their peace, safety, and happiness." Now, it may be asked, what "people" is meant in this article? Surely, not the people in the world, nor either of the four quarters thereof, but in the very people who were then organizing a Government for themselves—the people of South Carolina.

It does not appertain to a citizen of South Carolina to deny the authority of his Government, thus instituted.

The people of South Carolina have the supreme power, so far as to govern themselves. They divested themselves of this power, except when they should be called together by two-thirds of both branches of the Legislature. "No convention of the people shall be called, only by the concurrence of two-thirds of both branches of the whole representation." Having established the principle that all power was in them, they put their Government in motion, and limited their own power by a check that they would not resume it, except by two-thirds of the representation consenting thereto. When, therefore, two-thirds agree that the power shall be resumed, which is a first principle in their Government, the Government then becomes a pure democracy.

Mr. HOLMES here inquired when the constitution of South Carolina was adopted; whether it was not subsequent to the federal constitution?

Mr. MILLER answered, in 1790, subsequent to the federal constitution. Mr. M. said, he did not consider the Senator from Maine could make much out of the time, since he contended that one convention was equal to another. A convention had adopted the federal constitution; a convention of the same people, after this, for themselves, at least, could say that all power lies with themselves, for their own government. Subsequent laws abrogate prior laws, if they conflict. One Congress cannot prevent a subsequent one from repealing a law; nor can one convention of the people of South Carolina have more power than another. Things that are equal cannot bind one another. A people that are sovereign to-day, must, when assembled rightfully, be sovereign to-morrow: the last act of the sovereign power must govern those who are subject to it.

The Senator from Pennsylvania [Mr. DALLAS] has objected that the acts of the late convention in South Carolina were not submitted to the people. This objection proceeds upon a capital error as to the nature of a convention; they were the people themselves, and their act was the act of the people, without any further confirmation.

The constitution of the United States was adopted by a similar convention, and never brought before the people. The meaning of a convention was an assembly of every person having any political rights in the State, and the majority of the people to govern.

What would the Sumters, Pinckneys, and Taylors have thought, if, by the assertion in our State constitution, that all "power is in the people," the basis of the acts of the late convention, the Federal Executive had thereupon issued his proclamation, commanding them to reassemble and snatch this heresy, this disorganizing edict, from their archives. Sir, they would have placed their hands on their swords, and, like the sturdy barons of old, replied, we are unwilling that our constitution shall be changed. If the position be correct, "that the aggression may be regarded as committed when it is officially authorized, and the means of enforcing fully provided," then the aggression now complained of was committed when this clause was introduced into the State constitution; since that has given the power to do what has been done, and also the power to provide the means.

Let me ask, what is law? It is a rule of conduct prescribed by the supreme authority, commanding what is right, and forbidding what is wrong. If the people in South Carolina have all the powers of self-government, who shall interpose? Upon what principle, human or divine, can the General Government punish a citizen of South Carolina, for obeying a law emanating from the supreme power in that State? This fundamental principle of civil liberty has held a place in our charter for forty-two years, and now we are called upon, by force, to expunge this article from our constitution, and substitute, "all power is in Congress; there is but one God, who is the Federal Government; there is but one prophet, who is Andrew Jackson."

For the present, I shall assume that the article is still retained, and from it deduce the right to construe the constitution of the United States, to which they became a party.

Sir, the whole of the present bill under consideration assumes that the people of South Carolina are bound by the ordinance and the laws. If the people of South Carolina are bound to obey the ordinance, it follows, as a just consequence, that any effort, by force, in that State, to compel the people to disobey their own laws, is war—regular, legitimate war. War is the assertion of a right, by force, of one nation against another nation. I deny that the United States can constitutionally carry on war against a State. If a State violates the constitution, you must correct the error by the Supreme Court, or by a convention of the States. It is a barbarous and tyrannical assumption, that this Government can, by force, overturn State legislation.

Our Government being an *imperium in imperio*, neither power can, by force, resist the other power.

I shall now proceed to consider the ordinance.

Although I have shown that the people of South Carolina having, in their sovereign character, put their construction on their rights, which stops all further consideration, except of an unconstitutional or belligerent nature, I will proceed to consider this question as subordinate to the constitution of the United States.

The first section declares the tariff laws null and void. The State has the right, consistent with the constitution, to make this declaration. It is the mere recital of a truth; only declaring what was originally so. But it is argued that the tariff is constitutional. If so, we are not now to decide that question; that is for another forum. We are not to expound and enforce our own law.

Is the tariff constitutional? This question must be decided in the affirmative, before you can enforce its provisions, or impugn its ordinance. The power to protect domestic manufactures is not to be found in terms in the constitution. If it is to be found at all, it must be among the incidental powers. Thus, under the taxing power, the right to protect is set up. But it is the opinion of the great body of the people of South Carolina, that the right to tax for revenue does not extend the right to tax for protection. It is said by the President, that, as the power to tax is in Congress, they can tax to any extent, without the right, on the part of any one, to question the motive; this I deny, as a correct principle of constitutional construction. The people have the right to examine the motive. A limited power to tax can only be properly restrained by looking at the motive. Congress have the power to fix their own compensation; they may, under the taxing power, levy a tax on the people, intending to distribute the same among themselves; this could only be prevented by the people refusing to pay it, if the tax is laid with an improper motive. The true way to test this tax is to analyze the law, and then determine whether it is competent to levy a tax, to give the benefit thereof to the manufacturers. We have the treasury estimate of an extra amount of taxation, equal to six millions; take this sum, and then inquire, can Congress levy that amount, and give the same to the manufacturers? This right to levy a tax for protection is by some referred to the power to regulate commerce. By looking into the proceedings preliminary to the adoption of the Federal Government, to be found in the first volume of the laws of Congress, it will be there seen that this power was desired only to protect the navigating interest; the object being clearly to invigorate and encourage commerce, not to cripple and destroy it. I will not dwell on this subject. I delivered my opinions at length in the debate on the passage of the last tariff. This subject has undergone a most thorough investigation, and the united voice of the planting States pronounced the principle of protection unconstitutional. This is no new doctrine, for the first time broached by the convention of South Carolina. It has been pronounced from Virginia to Mississippi for the last eight years. But it has been urged that the revenue is repealed, as well as the protection; and, therefore, the ordinance is unconstitutional.

Sir, let us examine a little the validity of this objection to the ordinance. If it be partly contaminated, the whole is void. The fraudulent execution of an invalid power makes the deed null. A dollar, part silver, part pewter, is a counterfeit. Where a wrong-doer mixes his goods with those of another, if there is no way to ascertain how much belongs to each, he who produces the difficulty must lose what belongs to him. Who could expect to be paid for sugar sold, if half were sand? It is the fault of him who practises the fraud, if he loses that which might have been valuable.

The third section declares, that appeals shall not be taken from the State court. This contravenes the 25th section of the judiciary act, it is said.

It is well known that the right to take a case from the State court, by an appeal to the Supreme Court, has been contested in every form, ever since the enactment of this law.

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."

By this clause in the constitution, it is declared that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain.

The whole of the judicial power is thus vested in the United States court. By what authority can any power be transferred by Congress to the State courts? There is no such power. "The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

Having provided for the courts in the first clause, they have, in this one, provided for the jurisdiction, which is limited to all cases in law and equity arising under the constitution and laws of the United States. "Extend to," means, reach to, cover. These words do not give exclusive jurisdiction.

Judicial power is a generic term, including the Supreme Court, and the inferior courts of the United States.

A State court is not an inferior court of the United States, and therefore no appeal can fairly be predicated on the proceedings of the State courts.

There is a subsequent clause which provides that the State courts shall be bound by the constitution, and the laws made in pursuance thereof, and to treaties; this was the only check which was intended to secure the rights of persons under the constitution, laws, and treaties.

There is no more ground to suppose State courts could not be trusted to execute such cases as might be brought in State courts, where rights were secured under the Federal Government, than the Governors.

Where fugitives may be demanded, the United States cannot control this officer; he may demand, or not; so the State officers must swear to support the constitution of the United States; if they do not, there is no way for this Government to compel them, unless by a resort to force, which was not intended.

The President relies on this clause: "This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding," to prove the State courts bound to sustain the United States laws. This is not denied; but not when those laws are in violation of the constitution; and it was not intended that the State judges should have their decisions questioned any more by federal judges, than federal judges should have their opinions questioned by State judges; both were to be final in their sphere. State courts are of general jurisdiction, nothing presumed out of their jurisdiction; federal courts limited. Every thing must be proven to give jurisdiction. Upon general principles, there would be more propriety in the State courts reversing the federal decisions, than the converse, because all courts of limited jurisdiction may be kept within their province by courts of general jurisdiction.

The President, in his proclamation, says, the laws, constitution, and treaties, are the supreme law of the land. This is not a correct view of the constitution. The President seems to consider a law above the constitution, and the treaties subject to it; now, I understand it to be exactly different. The treaties are not required to be made in pursuance of the constitution, but the laws are.

A treaty may become necessary, impairing, in some instance, the constitution; and it is incident to the war power. The treaty-making power may fairly be considered as an independent substantive one, involving the highest political rights; and, when sanctioned by two-thirds of the Senate, binding on the constituted authorities of the United States and the States. And here I will remark, there seems no ground to suppose that the terms "law of the land," mean any thing more than that the constitution, and laws of the United States made in pursuance thereof, and treaties, are, by this clause, made the law of the land of the States, not of the United States; they have no land but the public land; the *lex terræ* referred to here is the local law; and the federal laws are made a part of the local law, and to be locally administered. So much for the argument of the Senator from Pennsylvania, who seeks to enlarge the powers of the United States by this clause.

Luther Martin has been referred to, on the other side, as authority. In his report of what was done in the convention, to the Maryland Legislature, he says, the convention expressly refused to trust the State courts to be the agents of the United States, so far as to try cases in the first instance; and confirms precisely my construction of the judicial clauses.[*]

I will read a part of Madison's report on this subject, which I shall consider a part of my argument.

"The resolution having taken this view of the federal compact, proceeds to infer, 'that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.'

"It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that, where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges in the last resort, whether the bargain made has been pursued or violated. The constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority of the constitution, that it rests on this legitimate and solid foundation. The States, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows, of necessity, that there can be no tribunal above their authority, to decide, in the last resort, whether the compact made by them be violated; and, consequently, that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition.

"It does not follow, however, because the States, as sovereign parties to their constitutional compact, must ultimately decide whether it has been violated, that such a decision ought to be interposed, either in a hasty manner, or on doubtful and inferior occasions. Even in the case of ordinary conventions between different nations, where, by the strict rule of interpretation, a breach of a part may be deemed a breach of the whole, every part being deemed a condition of every other part, and of the whole, it is always laid down that the breach must be both wilful and material, to justify an application of the rule. But, in the case of an intimate and constitutional union, like that of the United States, it is evident that the interposition of the parties, in their sovereign capacity, can be called for by occasions only deeply and essentially affecting the vital principles of their political system.

"The resolution has accordingly guarded against any misapprehension of its object, by expressly requiring for such an interposition 'the case of a deliberate, palpable, and dangerous breach of the constitution, by the exercise of powers not granted by it.' It must be a case, not of a light and transient nature, but of a nature dangerous to the great purposes for which the constitution was established. It must be a case, moreover, not obscure or doubtful in its construction, but plain and palpable. Lastly, it must be a case not resulting from a partial consideration, or hasty determination, but a case stamped with a final consideration and deliberate adherence. It is not necessary, because the resolution does not require that the question should be discussed how far the exercise of any particular power, ungranted by the constitution, would justify the interposition of the parties to it. As cases might easily be stated, which none would contend ought to fall within that description—cases, on the other hand, might with equal ease be stated, so flagrant and so fatal, as to unite every opinion in placing them within the description.

"But the resolution has done more than guard against misconstruction, by expressly referring to cases of a deliberate, palpable, and dangerous nature. It specifies the object of the interposition which it contemplates, to be solely that of arresting the progress of the evil of usurpation, and of maintaining the authorities, rights, and liberties appertaining to the States, as parties to the constitution.

"But it is objected, that the judicial authority is to be regarded as the sole expositor of the constitution, in the last resort; and it may be asked, for what reason the declaration of the General Assembly, supposing it to be theoretically true, could be required at the present day, and in so solemn a manner?

"On this objection, it might be observed, first, that there may be instances of usurped power, which the forms of the constitution would never draw within the control of the judicial department; secondly, that if the decision of the judicial be raised above the authority of the sovereign parties of the constitution, the decisions of the other departments, not carried by the forms of the constitution before the Judiciary, must be equally authoritative and final with the decisions of that department. But the proper answer to the objection is, that the resolution of the General Assembly relates to those great and extraordinary cases, in which all the forms of the constitution may prove ineffectual against infractions dangerous to the essential right of the parties to it. The resolution supposes that dangerous powers, not delegated, may not only be usurped and executed by the other departments, but that the judicial department, also, may exercise or sanction dangerous powers beyond the grant of the constitution; and, consequently, that the ultimate right of the parties to the constitution to judge whether the compact has been dangerously violated, must extend to violations by one delegated authority, as well as by another; by the Judiciary as well as by the Executive, or the Legislature.

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[*] See his opinion, 33d page, in Elliott's Debates.

"However true, therefore, it may be, that the judicial department is, in all questions submitted to it by the forms of the constitution, to decide in the last resort, this resort must necessarily be deemed the last in relation to the authorities of the other departments of the Government; not in relation to the rights of the parties to the constitutional compact, from which the judicial, as well as the other departments, hold their delegated trusts. On any other hypothesis, the delegation of judicial power would annul the authority delegating it; and the concurrence of this department with the others in usurped powers, might subvert forever, and beyond the possible reach of any rightful remedy, the very constitution which all were instituted to preserve.

"The truth declared in the resolution being established, the expediency of making the declaration at the present day may safely be left to the temperate consideration and candid judgment of the American public. It will be remembered, that a frequent recurrence to fundamental principles is solemnly enjoined by most of the State constitutions, and particularly by our own, as a necessary safeguard against the danger of degeneracy to which republics are liable, as well as other Governments, although in a less degree than others. And a fair comparison of the political doctrines, not unfrequent at the present day, with those which characterized the epoch of our revolution, and which form the basis of our republican constitutions, will best determine whether the declaratory recurrence here made to those principles ought to be viewed as unreasonable and improper, or as a vigilant discharge of an important duty. The authority of constitutions over Governments, and of the sovereignty of the people over constitutions, are truths which are at all times necessary to be kept in mind; and at no time, perhaps, more necessary than at present."

Mr. M. further read from the proceedings of the Ohio Legislature, in 1820, against the Bank of the United States, to prevent its establishment in that State.

"*Resolved, by the General Assembly of the State of Ohio,* That in respect to the powers of the Governments of the several States, which compose the American Union, and the powers of the Federal Government, this General Assembly do recognise and approve the doctrines asserted by the Legislatures of Virginia and Kentucky, in their resolutions of November and December, 1798, and January, 1800; and do consider that their principles have been recognised and adopted by a majority of the American people."

On this subject, the report which precedes the resolution contains the following words:

"The States and the people recognised and affirmed the doctrines of Kentucky and Virginia, by effecting a total change in the administration of the Federal Government. In the pardon of Calender, convicted under the sedition law, and in the remittance of his fine, the new administration unequivocally recognised the decision and the authority of the States and of the people. Thus has the question, whether the federal courts are the sole expositors of the constitution of the United States, in the last resort, or whether the States, "as in all other cases of compact among parties having no common judge," have an equal right to interpret the constitution for themselves, where their sovereign rights are involved, been decided against the pretension of the federal judges, by the people themselves, the true source of legitimate power."

Resolutions against the jurisdiction of the United States court in the case of the Bank, and all cases involving political rights; and against the powers of the General Government, establishing the Bank, in these words:

"*Resolved further,* That this General Assembly do protest against the doctrines of the federal circuit court, sit[illegible] this State, avowed and maintained in their proce[illegible] against the officers of the State, upon account of their official acts, as being in direct violation of the eleventh amendment of the constitution of the United States.

"*Resolved, further,* That this General Assembly do protest against the doctrine that the political rights of the separate States that compose the American Union, and their power as sovereign States, may be settled and determined in the Supreme Court of the United States, so as to conclude and bind them in cases contrived between individuals, and who are, no one of them, parties direct."

So in his letter to Judge Johnson, in answer to the argument "that there must be an arbiter somewhere," Mr. Jefferson says, "True; but this does not prove that it must be in either party. The ultimate arbiter is the people, assembled by their deputies in convention. Let them decide to which they mean to give an authority claimed by two of their agencies."

And, again: "With respect to our State and Federal Governments, (says Thomas Jefferson,) I do not think their relations are correctly understood by foreigners. They suppose the former subordinate to the latter. This is not the case. They are co-ordinate departments of one simple and integral whole. But you may ask, if the two departments should claim each the same subject of power, where is the umpire to decide between them? In cases of little urgency or importance, the prudence of both parties will keep them aloof from the questionable ground; but if it can neither be avoided nor compromised, a convention of the State must be called to ascribe the doubtful power to that department which they may think best."

Hear Mr. Jefferson's opinions:

"That the principle and construction contended for by sundry of the State Legislatures, that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the Government, and not the constitution, would be the measure of their powers.

"That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification by those sovereignties of all unauthorized acts done under the color of that instrument, is the rightful remedy."

The Senator from Delaware has gone into an argument to prove that Congress can control the federal courts, if, by corruption or otherwise, they should decide against the Federal Government.

Mr. CLAYTON here said, he used this argument in reply to the Senator from Kentucky. He referred to the jurisdiction of the inferior courts, but did not intend to say that Congress should, in any event, interpose with the Supreme Court.

Mr. MILLER resumed. He understood the Senator perfectly, he said, and concurred entirely in the position, that Congress could, by its legislation, make the federal courts speak what they please. The question is not, what security the Federal Government has against the bias, the prejudice, or corruption of the federal courts, when they incline to State authority; but what security the States have against their bias or corruption? The point in debate is, where is the conservative principle of State rights? All admit the States to have certain rights. When we inquire, where is their guaranty? our adversaries tell us the Supreme Court; and yet, the Senator from Delaware undertakes to prove, and does prove, that Congress can take care of federal rights against the usurpation or corruption of the federal courts; but he does not tell us who takes care of State rights, when invaded by these tribunals. Those gentlemen who talk about State rights, and yet leave those rights at the merc[illegible]he party having an interest to invade them, remind u[illegible]he Indian philosopher, who supposed the globe rested on a terrapin; but when asked what that rested on, not knowing, he could not say.

The authorities adverted to show that South Carolina is not an inventor of the doctrine we now contend for; on the contrary, she has followed in the footsteps of other distinguished members of the Union, in sustaining the true principles of the Jefferson or democratic school. In this faith she has been a constant believer ever since 1798, with but occasional aberrations, not varying more, or vibrating further from this creed, than the magnetic needle from the pole.

How these authorities referred to can be said to exclude the construction put on them by South Carolina, I am at a total loss to conceive. Human language cannot be adapted more precisely to any purpose, than these authorities to the entire support of the South Carolina construction. It surely cannot be contended that the elaborate argument of Mr. Madison was intended only to establish the right of revolution. The Virginia resolutions of 1798 and 1799 establish, as the true theory of our Government the one indicated by Mr. Jefferson in his letter to Mr. Cartwright, and in the Kentucky resolutions. There are no two ways about it; you cannot resolve this vexed question into any thing but what we contend for, or what the old federalists do. So far as the reasoning of the report goes, the States have the right, when they think the compact violated, to put their construction on the constitution, and that, having done so, the Federal Government must rightfully acquiesce in this construction; and, to avoid the inconvenience, they must call a convention of all the States, to settle the question. "The right to fight" is a codification of international law, not predicated on the reasoning or theory recognised in the above authorities. If the principles of Virginia in 1809 underwent an obscuration, as they have been quoted by the Senator from New Jersey, they have been restored by the resolutions of 1828; and, so far as the opinions of that State can go, we have her in 1798 against herself in 1809. When the Senator from New Jersey appeals to Virginia authority, let him abide by the appeal. I cannot say altogether what produced that impression, but the fact is, I always have considered the years of the embargo and non-intercourse covering what may be called the dark era of our history. Hence, I do not give much weight to the Virginia sentiments of 1809, on the subject of the Supreme Court being the proper arbiter. She did not express the sentiments which, through a current of years, at various and repeated times, she has acknowledged as her settled conviction, viz: that the Supreme Court is not the arbiter. At that time, I admit, she was found sleeping at her post, and has suffered her authority fairly to be quoted against the then opinions of Pennsylvania. Having attempted to prove the Supreme Court has no right to notice the tribunals of the State court, and, therefore, that this clause in the ordinance is not a violation of the constitution, I will proceed to consider the test oath clause, as it is called. This has been inveighed against both by the Executive and the honorable gentlemen who have preceded me, in terms of unmerited reproach.

The practice of requiring officers to support the law of the land, whether fundamental or merely legislative, is almost universal. There is not a State in the Union which does not make its citizens, when they take office under the same, swear to support the constitution of the State. The State of South Carolina requires every officer, who takes a commission from her, to swear to support the constitution; it forms a condition precedent to taking office in that State. If the constitution should be altered or changed according to the terms thereof, the supreme power altering the constitution may make it the duty, as well of all in office, as those afterwards appointed, to conform to the universal custom of swearing to support the highest known law, the will of the sovereign in whose employ they are. Without any express requisition in the ordinance to that effect, the oath administered to support the constitution of South Carolina would incorporate, within the sanction thereof, this ordinance, since it is the constitution, abrogating and cancelling every thing in that instrument to the contrary thereof. The objection is a most novel and singular one, that an officer has a right to take or hold office without swearing to sustain the constitution of the State appointing him. It is a most degrading, a most humiliating reflection, to impeach so far the State sovereignties, as not to allow them the scant power of determining on what terms they shall employ and pay their own servants. Here is a great civil contest, founded on adverse views of the theory of our political institutions; and South Carolina does not propose by the sword to decide the question, but by her civil institutions. With a view to counteract the usurpations of the agents of the Federal Government, she arms herself with all her moral strength, and calls into existence the most incontestable powers to sustain what are the disputed ones. One of these most indubitable powers is, to exact obedience of her own citizens to the supreme power of that State, and more particularly to require her public officers to reflect her opinions on the contested questions.

However weak she may be against the General Government, she has the power left her to make those who feed upon her bounty either to leave her service, or fulfil the duties which she enjoins. The exercise of her high sovereign powers to effect this purpose must depend on her will; and she must be the judge of the necessity which forces the resort to powers deemed by others arbitrary. Power must be met by power. We see in the physical system, when one sense is destroyed, nature restores the defect often, by giving a greater perfection to the reserved senses. When one limb is amputated, the other corresponding is always invigorated; hence, in this controversy, if we were to follow the analogies of the providence of Heaven, it would be requisite that the mutilated limbs of our State Government should be compensated, by infusing into the reserved ones great strength and vigor.

The Federal Government usurps the powers of the States, appoints its agents with a view to sustain its usurpation, and yet is loud in complaint that South Carolina will not permit that Government to plough with her heifer; she must consent to repose her strength in the hands of faithless Delilahs, or subject herself to the imputation of tyranny and oppression on her own citizens.

Sir, no Government will consent to wage a war with officers in the interest of the adversary. Could any thing be more stupid than to select, as the champions of a great contest, men openly clamorous against the claims of those selecting them? Suppose an officer to desert his standard, and go over to the enemy; with what grace would the sovereign of the deserting officer receive his application for rations and pay, while he was most strenuously fighting the battles of the opposite side?

Our State officers must elect which party they wish to serve, the Federal or State Government; this oath, in the mildest form, puts that election to incumbents, and requires all after officers to take office subject to the terms annexed to its tenure. He who gives can most unquestionably impose any condition he pleases; if the donee dislikes the condition, let him eschew the gift. No one can serve two masters at the same time. It is not our fault that the common service of the State and Federal Governments has become incompatible on this point. Our officers must decide either to serve God or Mammon; follow their conscience, or conform to the conditions on which they are commissioned and paid. He must be a singular saint who subsists by regular draughts upon Satan for his salary.

I call the attention of the Senate to some sound principles on this subject, to be found in the speech of the Senator from Massachusetts, in the convention of that State, while considering the propriety of establishing a test oath on the subject of religious belief:

"By the fundamental principle of popular and elective Governments, all office is in the free gift of the people. They may grant or they may withhold it at pleasure; and if it be for them, and them only, to decide whether they will grant office, it is for them to decide also on what terms and on what conditions they will grant it. Nothing is more unfounded than the notion that any man has a right to an office. This must depend on the choice of others, and, consequently, upon the opinions of others in relation to his fitness and qualification for office."

Again, sir: let us see whether other States do not touch the conscience of their officers upon as delicate points as the duties enjoined by our constitutional law, the ordinance.

In Vermont, the following oath is exacted of all officers:

"You do solemnly swear (or affirm) that you will be true to the State of Vermont; and that you will not, directly or indirectly, do any act or thing injurious to the constitution or Government thereof, as established by the convention: So help you God."

In this constitution, adopted after the federal constitution, requiring its officers to swear allegiance to the State of Vermont, there is no reservation of paramount allegiance to the United States: it requires the positive and direct allegiance of the officer to the laws of the State in a contest with the federal laws. What would the State of Vermont say, if her officers violated the above oath? Would it not be an impeachable offence? And if they were to impeach and eject them from office, who could interpose? That State goes further; and makes her people, before they exercise their right of suffrage, take the following oath:

"You do solemnly swear (or affirm) that whenever you give your vote or suffrage touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor with any man."

Here is the test oath of Massachusetts:

"I, A. B., do solemnly swear that I will bear true faith and allegiance to the commonwealth of Massachusetts, and will support the constitution thereof: So help me God."

This oath will cover any ordinance or law of that State.

I have always considered the people of this State as a high-minded people, bold in the maintenance of their rights, and not slow to put forth the decision of the State to the primary allegiance of her citizens. When the President of the United States made his requisition on the Governor for calling forth the militia during the late war, the Governor replied, that the militia, by the constitution, could only be called out "to execute the laws of the Union, suppress insurrections, and repel invasions." That neither of these contingencies had occurred in his opinion; therefore, he would not comply. Here was positive nullification of the act of Congress, giving the President the power to call on the Governors for the militia, when he thought the contingencies had occurred.

I have no fault to find with this act of Governor Strong: he submitted the matter to the judges, and they all decided that the Governor had the right to refuse, if he thought the events had not occurred which could alone support the right to call out the militia. Whatever censure may be cast on that State for her course during the late war, must be for other matters than putting herself on her reserved right to construe the constitution. If she halted and hesitated in her support of the war, that was another matter; since no one can deny but that Congress can declare war; when declared, it is the duty of all good citizens to sustain such war by all constitutional means. Legislative enactments are often required to be supported on oath, by all called on to enforce them, where the vice is a fashionable one, or public opinion discountenances the prosecution, such as gambling and duelling. If the oath is prescribed, State officers cannot be permitted to put themselves upon their reserved rights, and put the law at defiance. A juryman does not swear to convict the defendant, as is supposed to be the case, and strongly stated by the gentleman from Pennsylvania, [Mr. DALLAS;] he only swears to execute a particular law, or find a verdict according to law and evidence—not a very unreasonable requirement, I submit, since it would subvert all justice, if he were not to do so, without swearing; and a juryman who would not consent to find a verdict upon such premises, ought not to be the agent of the law. The Senator from Pennsylvania [Mr. DALLAS] says he admits the United States Government is a league among several States, and asks the question, triumphantly, "Who ever heard, that, among independent nations, a league had been broken with impunity?" True, no person ever heard the right of one party to break a league existing, without the right of the other party to raise a question as to the propriety of doing so.

In reply, I will ask, suppose the league broken, no matter how wantonly, who ever heard the citizens of the infracting party putting themselves on the league against the act of their Government?

Take the case of the French treaty of amity and commerce, made with a Government that gave us help in time of need; nourished and supported us when we were in our aurelian state. We nullified that treaty by an act of Congress, in 1798. Did our citizens have a right to inquire whether this was properly done or not? Would our judges put themselves on the treaty, and say, "As two parties made the treaty, two parties must agree to rescind before the recision is good? The Senator from Kentucky has routed that argument fully, in the able view he has presented. Take the case of Maine: we have had a dispute with Great Britain about the boundary; we referred the matter to the King of the Netherlands, who made an award which we had not confirmed. Will any one contend that our judges can determine a right by considering that treaty? Upon a writ of ejectment, suppose the line established by the award should be set up to divest the jurisdiction of the court; would the court consider the treaty as confirmed, and the line established? Will they inquire whether the award was made in pursuance of the submission? I will put a still stronger case to test this question of primary allegiance, impaired by external obligations. We have a treaty with Spain, by which, for valuable consideration, we agreed to pay our own citizens five millions of dollars. In good faith, we must perform this treaty; having the money in the treasury, it is our duty to pay it to those to whom Spain was bound to pay it. Now, suppose we do not pay it; is this *ipso facto* a recognition of war existing between us and Spain? No, it is ground of complaint; and if Spain, in the chivalry of the days of her Castilian honor, chose to declare war, because we faithlessly keep our own citizens out of the money due them, what would be the consequence of such a war upon the very persons injured by the omission of this Government to fulfil the treaty? Sir, they would have to draw the sword, and maintain the rights of this Government, in such a war. If a citizen who is injured by his Government must sustain it, how much more ought one who is fed, and clothed, and pampered by its bounty? This idea of the conscience of an officer of Government releasing him from the obligations due to the Government, is a sublime refinement in political morality. If tolerated, it would make the Government not only contemptible in the opinion of the world, but would supersede the Government itself, and set its officers above it. The States having the power only by their reserved rights to appoint officers, if these officers are paramount to the fundamental law, they are the State Government, and the people should have nothing more to do with it.

The Senator from New Jersey, in strains of lugubrious eloquence, pitied the Union party in South Carolina. They were proscribed, and, by one fell swoop, driven from office. How is the fact? The State, in a great effort to throw off a burden equally cumbrous to both parties, (except the agents of the manufacturers,) by the exercise of her reserved rights, makes all her officers swear to support her constitution and fundamental laws. Yet this every-day custom, deeply engrafted into the municipal regulations of every State, is considered shocking to every moral sense. In South Carolina, every revenue officer suspected of favoring State laws was removed. The gallant Laval, disabled in the service of his country, whose limbs were shattered by the cannon of the enemy, was proscribed and turned out.

W. E. Hayne, the only son of Col. Hayne, of revolutionary memory, was dismissed—every other one, including patriots of the revolution—to make way for more trustworthy agents. You hear from us not a whisper of complaint. If the President has the power under the constitution, that is all we consider.

Under our State constitution, the Governor is required to see the laws faithfully executed; but such a power was never supposed to authorize removals from office. We are a people jealous of power, and watchful of our liberty. We require the common pledge of every Government on earth, that the agents of the Government shall sustain it or be substituted.

No one regrets more than I do the necessity which forces this recurrence to first principles. We have proscribed no man for opinion's sake. We desire to turn no one of our citizens out of office. All we ask is, that they will, in obedience to the will of those whom they serve, not lend their official sanction to the collection of unconstitutional tribute—yes, admitted to be so, by nine-tenths of the very incumbents subject to the provisions of this ordinance; and, trusting to the justice and liberal spirit of this Government, all incumbents are exempted from taking this oath, until all hope of the repeal of the tax is exhausted.

Sir, I am willing to meet the Senator on the golden rule of "do unto others as we would they should do unto us." I can join him in the appeal to Heaven—

"Teach me to feel another's woe,
To hide the faults I see:
That mercy I to others show,
That mercy show to me."

We believe the tariff a violation of the constitution. The charity of the Senator will, I am sure, induce him to believe me when I say so.

We have sworn to support the constitution of the United States, as well as that of our own State, both of which oaths enjoin us to war with this protective system. Our allegiance to the federal constitution—our allegiance to our own constitution, religion and law, make it our duty to obey the ordinance; and yet the Senator, with a Shylock grip upon the constitution, proposes to burn our houses, lay waste our fields, make widows of our wives, and orphans of our children.

We put our citizens to the election of surrendering office or of supporting our law. He presents to our citizens the alternative of giving up their sense of duty or their lives.

With a horrible reverence for the supremacy of the laws of Congress, we are doomed by the Senator not only to lose office, but liberty, property, and life, or bow down and worship the image which presumptuous rulers have erected in the plains of Dura.

Sir, when the Senator from New Jersey marches his troops upon a peaceable law-abiding people, I trust he will not profane the banner—the star-spangled banner—on which South Carolina shines in history as bright as any one of the galaxy.

Let him substitute the Asiatic vulture for the American eagle; the sun for the stars. Let him erase the motto *e pluribus unum*, and inscribe *purcere subjectis et debellare superbos*. Let the nullification stripe, the emblem of State sovereignty, disappear, and the crimson sheet float in the breeze over his invading army.

I will not believe some of the sentiments of the Senator were duly considered; being himself without fear and without reproach, he has taken too severe a view of the rights of this Government. He has not made any allowance for the errors, if he will have them so, of a warm-hearted, generous, and brave people, struggling for the liberty bequeathed to them.

The last clause, the subject of secession, has been misunderstood by some, and misrepresented by others. The constitutionality of secession, or whether it shall be peaceable or not, is not involved in the principles laid down. It is predicated on the assumption of a belligerent posture by the Federal Government towards South Carolina. It is not true that any attempt on the part of the General Government to enforce the revenue law is made the condition upon which the secession shall take place. The exception is a very broad one—any attempt, [except by the "civil institutions" of the country. This most material qualification has been left out by the President, when adverting to this subject in the proclamation. The Senator from Pennsylvania, [Mr. WILKINS,] when reading the ordinance, and commenting on it, stopped in the middle of the sentence, and left out this material condition and qualification of the right of the Federal Government to enforce the tariff laws also. In the report of the speech of the Senator, I see I am made to ask the reading of the latter part of the sentence, and the condition is put in as if read by the Senator, before I asked the further reading. Now, the fact is, the Senator read the clause up to the words "null and void," and there stopped, when I requested him to read on the following words, "otherwise than by the civil institutions of the country." I am certain the honorable Senator did not intend to make an impression different from what he considered the fair inference from the clause: he adverted to it merely to correct the report. He had been misunderstood upon another matter by the reporters: when he explained the meaning of the word traverse, he believed the Senate had fully comprehended his explanations; but for fear they did not, he would merely say, that he understood the word traverse, in the act referred to, as meaning a right arbitrarily to postpone the trial—the first court, without cause shown in denying the right to traverse, the right to plead not guilty, to continue, upon affidavit or good cause, were not denied; it was, in criminal proceedings, analagous to an imparlance in civil.

But to return. This latter clause is considered another violation of the constitution of the United States. It is only the declaration of a purpose, and not the execution of one. There is nothing to be considered but the abstractions contained therein. He said, upon the general right to secede, he would only state what his opinions were; the convention of South Carolina would determine for themselves. He did not think, as a political principle, the Federal Government could recognise this right, simply because no Government, unless it is so agreed upon in its constitution, can recognise that which may lead to its own dissolution. Social compacts, from their nature, imply a perpetuity; political compacts, such as our federal system, do so likewise. The constitution contains stipulations of a binding character to associate, but none to secede. Even admitting the most indubitable and extensive sovereignty to be recognised as belonging to the States, still the Federal Government could not admit the right of the States to secede. Yet if a State shall be constrained under any circumstances, which I trust may never occur, to discuss this question, whether the circumstances upon which she places her rights will justify her, must of course be for her consideration, not mine. I can scarcely conceive of a state of facts in which secession would not follow a state of things making it immaterial to inquire whether it is peaceable or revolutionary. There are many things which Government cannot formally admit, which necessity forces it to acquiesce in; thus, for instance, the absolute unqualified right to emigrate cannot be admitted by Government, since the admission of this right might operate exceedingly harsh on the residue of the community, if pushed to extremity; although the Government may have the right to guard against its own dissolution, or an unjust withdrawal of individuals from the common burdens, yet, still, this would be an arbitrary power, and must be recurred to only in the very last resort. To arrest a citizen and confine him, because he proposes to emigrate, would in most cases involve the Government in more trouble and expense than the detention would compensate for. A father cannot admit the right of a daughter to marry without his consent; yet, if she does marry, he must submit, and make the most of the new relationship of his child. So of suicide: no Govenment can admit the right of any one to take his own life; yet, if he will destroy himself, you cannot punish him.

I consider that a State has the same right to secede that a citizen has to emigrate. It is, in fact, only a different mode of doing the same thing. Every citizen of a State may emigrate, and thus destroy the State; in that event, the United States could not take possession of the soil. The Federal Government cannot, in the abstract, admit of secession; nor can a State admit in the abstract the right of emigration, unless covenanted for, as in Connecticut. Yet if a State will secede, and a citizen will emigrate, there is no way to prevent them, but by the exercise of such arbitrary power, as will shock the moral sense of a people accustomed to live in a free Government. To make war on a State to keep her in the Union, would be but the extension of the right of hanging a man to prevent his emigration. The States must keep their citizens by wise and liberal policy, wholesome and benevolent laws; and the United States must keep the States from seceding in the same way. The use of force may show the tyrant, but cannot prevent the act.

After all, this ordinance can be considered only in the nature of a lease entry, and ouster, to try title with the manufacturers.

I have thus attempted to prove that our ordinance does not, in any one instance, violate the constitution of the United States.

The Senator from Pennsylvania [Mr. Dallas] has urged many other constitutional objections to this ordinance. It violates the right of impartial trial by jury, he says. This I have already noticed, to show with what facility restraints introduced in the amendments to the federal constitution are made to apply to the States, when they were intended only to apply to the Federal Government.

The provision in our own constitution is, that the trial by jury shall be had as heretofore, referring to existing laws. There is nothing in existing laws which would prevent the Legislature even extending the right of a jury to find a general verdict according to the law as well as the facts. The true answer is, the constitution of the United States does not have any bearing on this subject, and the State constitution can be altered by the act of the convention. Our constitution provides two ways for amendments: one is by the concurrence of two-thirds of two succeeding Legislatures. It provides for the calling of a convention by two-thirds of one Legislature. It has not said they shall have the power to alter the constitution; that was not thought necessary. Its framers understood too well the theory of our popular Government to instruct the sovereigns, when they should be assembled, what they should do. The Senator [Mr. Dallas] had, throughout his whole argument, shown that he took his meridian from the central Government. He has shown that former professional bias followed him; he could only look at one side of this subject, and that was the side of the Federal Government. When he admitted the analogy between our political system and the solar one, he said consolidation and confederation were the attractive and repulsive principles which kept the planets in their orbits. The whole fallacy or opposite argument is embraced in this illustration. The gentleman's opposite qualities consist in the compound of two central tendencies. His meat is ham and bacon; his drink is wine and the juice of the grape. If he will permit, I will furnish him with the true combination, which will sustain the perpetual revolution of our orbits around the central Government. It is consolidation and nullification; one is the centripetal, the other the centrifugal tendency. We have been told by the Senator [Mr. Dallas] of the two knights who quarreled about the color of silk; one maintained that it was white, the other black; and they grew so warm, that they were about to proceed to the *ultima ratio*, when the hermit interposed, and showed them they were both right and both wrong; that it was changeable silk, and both colors were reflected. Now for the point and moral in the fable: will the Senator tell us which knight ought to have surrendered his opinion, if the hermit had not interposed? That is the question. Ought they not to have consented that each should peaceably maintain his own opinion? Would the Senator have either chevalier to give up that he was wrong, as a concession to the opposite party?

Again: I will illustrate my opinion by stating a plain proposition. A and B agree together that B shall build a house for A, for so much money, say ten thousand dollars, of the best materials; with a covenant that if a dispute arose about the quality of the materials, the matter should be left to C; and further, if any variations were made in the plan, B should be compensated *pro rata* the specified agreement; but no one is appointed to settle, in the latter case, a contested point. Well, B proposes to put up inferior materials; A objects. The *casus fœderis* has occurred; yet will it be contended, in the case where the referee was to settle the matter, that B should summon the workmen, and put up the inferior materials by force? This would be the case of the present bill. You do not propose to let your referee decide the matter, but propose, in the first instance, to apply force.

Again: Suppose a question arises on the latter part of the agreement, where no umpire is appointed; has C any right to thrust himself in, to decide the *casus omissus?*

Mr. M. said, the chairman [Mr. WILKINS] had referred to his vote on the bill in 1818, to increase the duty on hammered or unrolled iron; he had the printed speech before him, and should proceed to correct some of the facts, and explain others. Every thing he had to remark on this subject should be done with the most perfect respect for the Senator from Pennsylvania, whom he regarded as benevolent and liberal in his opinions. The charge of inconsistency had been heretofore made on him for the same vote. He did not admit the fact that there was any foundation for the charge; but, suppose there was, upon what principle could it be contended, that a politician had not a right to change his opinion? When God made man, he at first pronounced him good; afterwards he changed his opinion, and pronounced him evil. Was St. Paul less worthy as a christian, because he at first persecuted the followers of Christ? We prove ourselves rational beings, fulfilling our moral destiny, when we surrender wrong opinions, and close with the right ones; none could expect to reach heaven, but by changing his opinions. The Senator does not regard the vote given by me in 1818 as wrong; no, he acknowledges that I rendered his State a service. I should have lived to little purpose, if, in the last sixteen years, I had not changed my opinions on many subjects. The past opinions of a politician are matters of history; his present are those the public have a right to inquire after. No lawyer ever quotes the cast-off opinions of the judge, with any prospect of success, against well-considered subsequent ones; the principal virtue in consistency is to be always right, not always wrong. The Senator from Maine had read us a homily on his consistency, and the inconsistency of all others. He thanks his stars that he is not like other men. It is not my purpose to sit in judgment on the inconsistency of the Senator from Maine. I believe he always does what he thinks right, and from the most liberal sentiments. We have nothing to do with motives, if men act correctly. Yet still one may seem very good, when he is very bad; perjury may be committed by swearing to the truth, and a politician may be inconsistent the most when most consistent he seems, at one time acting *pro honore*, at another *causâ lucri*. I should not have noticed the pleasantry of the Senator, in commendation of his own consistency, but for the purpose of complimenting his argument, and replying to his wit. We had been told the fact, that the late dormant partner of the firm of the Senators from Tennessee and Maine had gone over to the nullifiers. It would be seen that, thus far, the Senator recognises the right of secession. If the fact be true, as stated, that the nullifiers have received this accession, it is evidence that their cause is not without hope. Old fashions, in the progress of time, are resumed. It is a long lane that has no turn. It it well known that this old gentleman has an instinct for the majority as strong as any one on this floor, not excepting either the Senator from Maine, or from Tennessee.

[Mr. HOLMES here asked leave to explain, but Mr. M. said, pleasantly, he must be excused for refusing; the Senator was so skilful in explanations, he would rather they should come in their due season.] But, to the question--my vote in 1818. The printed speech is so erroneous, I must content myself with stating what were the facts, all of which will appear by the journal now before me. I was not in Congress in 1816, when the tariff was passed. On the proposition to increase the duty on hammered iron, in 1818, it appeared, in the course of debate, and the facts are verified by the journal, that the duty on this article was reported, in the general adjustment of the duties to the exigencies of the country, by the Committee of Ways and Means, (Mr. Lowndes, chairman,) in 1816, at seventy-five cents per cwt. on unrolled iron or hammered iron. Upon the passage of the bill some person, over anxious for iron, moved to increase the duty on this unrolled iron much higher; upon which the House, in one of those freaks which often occur, punished the mover by striking the duty down to forty-five cents; the application was, in 1818, to restore the rate proposed in 1816, as establishing the just proportion between this and other articles. Sir, with the most perfect sense of justice and disinterestedness, I voted to do, in 1818, what seemed to be the opinion of many ought to have been done in 1816. I had no desire to see the iron interest depressed below all others; neither myself, nor any of my constituents, had any interests in the manufacture of this article. I gave a liberal and independent vote in aid of the old commonwealth of Pennsylvania, raising the duty from forty cents per cwt. to seventy-five cents. It will be remarked, that iron was selling from five to seven dollars per cwt., which would resolve the specific duty into an ad valorem duty of about sixteen per cent. The country was then just out of a war, with more than one hundred millions of debt to pay. Our staple (cotton) at the South selling from twenty to twenty-five cents. I took the act of 1816 as the basis of revenue. What protection it might afford as incidental, I was very willing should be extended. During the same session, it will be recollected, the act to extend the time when cotton goods should come down to twenty per cent. was passed; against this I voted, in a very small minority. I voted, also, to reduce the duty on salt, setting myself against breaking in upon the arrangement made for revenue, and the gradual letting down the manufactures of cotton to the revenue point. Take up the act of 1816 and the act of 1832, and the most marked difference will be seen. In 1816, all the unprotected articles were subjected to duties, averaging pretty fairly with the protected ones. Take the duties of 1816 as the basis, and let the ten millions for the sinking fund be dispensed with, and reduce the duties protected, and I will give my hearty assent to such a bill now. But let us see what this same hammered iron was fixed at in 1832; ninety cents per cwt. It is now contended, says the Senator from Pennsylvania, "that a duty of eighteen dollars upon the same article, two dollars below his own proposition, as fixed by the tariff of 1832, is so onerous, oppressive, and tyrannical, that the whole country is to be involved in civil war." I cannot perceive how seventy-five cents per cwt. can be made more than ninety cents per cwt.; there are great mistakes in the gentleman's figures.

In 1818, we have seen, the change of the specific duty into an ad valorem duty, would have been about sixteen per cent.; the change of the specific duty, in 1832, into an ad valorem duty, would amount to about eighty per cent., or one hundred per cent. Now, the strange inconsistency consists in the voting for a duty equal to sixteen per cent. ad valorem on hammered iron, in 1816, and refusing to vote for a duty of one hundred per cent. in 1832 on this article.

Now, upon this statement, which gives the whole truth, what do the facts amount to? In 1818, when we were in debt one hundred millions, or more, with our staple prosperous beyond all example, I voted against breaking into the arrangement made, to give three years to the cotton manufactures to come down, and to place iron where the act of 1816 ought to have placed it, thereby establishing an ad valorem duty of about sixteen per cent.; and because I oppose, as an outrageous infraction upon every provision of the bill of 1816, the act of 1832, wherein iron is established at an ad valorem duty of eighty or one hundred per cent., it is said I am inconsistent. Now, if there be any virtue in consistency, in resistance to the protective system, I think, upon the facts, I am entitled to the benefit; and there is a total failure to establish the strange inconsistency. I have been thus particular, because the report made of the Senator's speech has not stated the case on the record correctly; nor would I have cause to wince in this matter, if inconsistency were a crime.

The Senator from Pennsylvania [Mr. **Wilkins**] has said the laws of South Carolina were harsh beyond any thing in feudal times. The Senator will find, by recurring to feudal history, much harsher proceedings than any thing in our law. He might have found the trial for witchcraft, where the prisoner was tried by throwing her into the water; if she sunk or drowned, she was innocent; if she floated, she was hung for her sorcery. This was much harsher than any thing in our laws, but not more so than the present bill. A citizen of South Carolina, between the conflicting claims of two Governments, stands no chance to escape. If he take sides with the State, he is to be punished by the Federal Government; if he join the federal party, the State will punish.

Sir, the proceedings by which the Pope was ousted of municipal jurisdiction bore a strong resemblance to our proceedings, but they were much harsher. The papal authority began to extend itself rapidly in the municipal regulations of England, when it became necessary to confine it to ecclesiastical affairs. He had compelled a cowardly and degenerate monarch to surrender his crown, and then leased it back to him at so many marks. When a king of more character mounted the throne, he checked these usurpations and intrusions of a foreign potentate into his territorial kingdom, by making his subjects to swear not to take leases from the Pope; and, finally, by withdrawing the protection of the law from all who had any communication with the Pope in temporal matters. This checked the evil, and was the foundation of the famous bills of *premunire*, by which the English people were relieved from tribute to the Pope, by the nullification of Peter's pence.

The President, in his proclamation, makes a charge against the leaders in South Carolina. Let me say, the President has had as much agency as any one man in establishing the present politics of that State. He was considered a politician of the republican Jeffersonian order. The Jeffersonian doctrine covers all sort of nullification. When the people of South Carolina began to discuss the remedy for usurpations of the Federal Government, they may be said to have been divided into three classes: one class believed that nullification was not only the true theory of the Government, but that the Federal Government would admit it to be so, so far as to call a convention, or effect a reform; a second class, which believed that nullification was consistent with the theory of the Government, but were doubtful whether the Federal Government would consent to a convention, or any thing else but a direct enforcement of the law; and a third class believed it a downright positive heresy, not to be countenanced in any form; this was the state of parties when the President came into power. The Georgia controversy, which was about being brought to a crisis by the late President, received, throughout, the support of the Executive. In a reply to the call made concerning the execution of the Indian intercourse law, made in 1831, the President says "he has no power, under the constitution, to prevent the State of Georgia from extending her jurisdiction over the Indian land within her limits." "To maintain the contrary doctrine, and to require the President to enforce it by employment of military force, would be to place in his hands a power to make war upon the rights of the States, and the liberties of the country—a power which should be placed in the hands of no individual."

In the face of a writ of error, Georgia hung Tassels; thus treating with contempt the process of the Supreme Court, and taking the life of a human being in despite of the alleged supremacy of that court. This act of State rights remained unrebuked by the Chief Magistrate, and the Supreme Court never instituted any proceeding to maintain the dignity of their process. Again: the Supreme Court pronounced a decree in favor of certain missionaries, who, in violation of the laws of Georgia, took protection under federal laws. When a solemn and final decision was pronounced, and Georgia refused to obey the decree of that court, no reproof for her refractory spirit was heard; on the contrary, a learned review of the decision came out, attributed to Executive countenance and favor. This was not all. After the adjournment of Congress, and the question coming up before the people, what shall be done? no one scarcely, who considered the States as having any rights, thought the last tariff any improvement of the agricultural situation of the South; the remedy was pressed again, with the bank veto version of the constitution, which the Senator from Massachusetts understood as the people of South Carolina did, when, in his Worcester speech, he said, any one that could put two ideas together could make it nothing more than nullification in its most enlarged, and, as he thought, disastrous form. The President, in that veto message, laid down the correct principles of our Government, when he said each co-ordinate branch must answer for itself, and its own reading of the constitution. Now, as the States are a coordinate branch of our political Government, acknowledged by all to have some rights, the position that each swore to support the constitution as understood by themselves would extend to the State authorities, and they would have the right to expound the constitution as they understood it. Hence the President, who was the medium alone through which any force could reach South Carolina, not only furnished his opinions of the right of a State to resist the decree of the Supreme Court, but had given it as his opinion that the States, as co-ordinates, might, according to their oaths, expound the federal constitution. The most timid and wavering disciple of the Jeffersonian creed could scarcely hesitate, when such was the source through which all the force could reach them.

Under these auspices, the canvass was carried on last summer for a convention to nullify. This required two-thirds of both Houses; one-half of the Senate were in, only one-half to elect. Sixteen Senators would prevent a convention, and the contest was close in some of the districts. I hazard nothing in saying, if the President had published his opinion of the duty he should feel under to enforce the decree of the Supreme Court last summer, instead of permitting an inference to be deduced that he would not, no convention or nullification would be in force in South Carolina at this time; a different issue would have been tendered. Georgia, in her contest, was a great way ahead; she was thought to be the pioneer in the cause of State rights. Sir, I shall say nothing as to the motive from which her position has been changed, nor the means used to effect it. My object is to show that we followed the President's theoretical opinion, and his practical one also, up to the issuing of the proclamation. Here, for the first time, after every step had been taken by South Carolina, comes the President's exposition of his opinions, calling upon the people to recant their proceedings, retrace their steps, and snatch from their archives this disorganizing edict.

I do not deem it proper to impeach the motives of the President. When a public functionary must act, he is not a volunteer; nor can he escape from the responsibility of censure from some quarter; common justice and charity require that we should attribute correct motives, and a desire to escape from his position, by doing what is right. But it is very clear that the President had no legal right to issue this proclamation as an official act. Had his opinions, heretofore expressed, been consonant with it, it would, under no circumstances, have been necessary. It is a principle of equity, that when one is silent, and rights spring up under that silence which it would be unjust to take away, the party who ought to have spoken is not afterwards to set up his rights. Sir, so far as the President is concerned, the principles in that paper are not only *ex post facto*, but subversive of the constitution and the various expositions given thereof by himself, and should have prevented the President from denouncing his followers, in the paper, for the first time furnishing the proof that he had abandoned his own principles. He should have spared his followers of the school of Jefferson from reproach and charge of intended disunion. I regret, therefore, that in the discharge of his public duty, as understood by himself, he should have found it necessary to speak in such harsh terms of the leaders, as he has designated certain individuals, as well as the measures adopted by the people.

The fact is, that in every stage of this controversy, the United States have done the first wrong; they first passed the unconstitutional tariff, when it was proposed to try the validity of that matter judicially. As we are now in the federal court, the Senator from Pennsylvania will permit us to take advantage of the right to an impartial jury trial; but the man, who, as early as 1820, I believe, at a town meeting in Charleston, stood alone the advocate of the tariff as a constitutional as well as a political measure, was the judge. He was committed in advance upon the trial. This same judge refused to let it be given in evidence what the bond was given for, under the plea of *non est factum*, against the established rule that you may show any thing under the general issue, which, if true, would make the bond void. Now, if the bond was given for a tax which the Government had no right to impose, it was clearly void. This was a question of fact. What was the consideration of the bond? The political security reserved by the jury trial against the encroachment and usurpations of Government were entrenched upon. Suppose a special plea put in, and demurrer and rejoinder, the court could not have seen on the record that the tariff was to protect the manufacturers.

The Senator from New Jersey says, they have always been ready to recite that the tax was levied for protection; this title was refused expressly in 1828 and 1832.

I believe it could be well established that the military preparations on the part of the United States preceded the precautionary suggestions made by the Governor of South Carolina in his message.

The act of the Legislature authorizing the Governor to call out the militia is bottomed upon the concentration and use of the military force of the United States, to coerce submission of our judicial officers to the collector. But the Senator from Pennsylvania says, we have violated the constitution in keeping a standing army. Not so. We have no military force embodied except a municipal guard in Charleston, authorized and kept up ever since the insurrectionary movement of Denmark Vozey, in 1821 or 1822. Yet the Federal Government has now a large naval and military force in or near Charleston, and that fair city is in daily peril of being assailed as the citadel of a common enemy; the houses burnt, and the town sacked by the regular army; friend and foe involved in one common fate, and subject to the common ruin of regular war.

Mr. M. said he had been desirous of noticing some of the most exceptionable doctrines contained in the proclamation. His health and time would not permit him to notice them. They were so numerous, and the medium through which our proceedings had been reflected so distorted, that it required much time to correct and refute them; he would notice one or two as a specimen—a question of law, and a criticism on the late Governor's message. The President had said that the *posse comitatus* could not be considered a peaceable remedy, and had given a history of the early character of this branch of the common law, to prove that it was military in its character, and repudiates it as the offspring of a barbarous and feudal time. It was necessary to stamp the character of the sheriff's power with the military character, before a resort could be had to the military power on the other side. This right of the sheriff is essentially civil in its nature, and, without it, the most disastrous results must ensue in the execution of the State laws. It consists simply in the power of the sheriff to make deputies at his will; every person summoned to assist the sheriff is a peace officer. I will state a case or two illustrative of the character and necessity of this power. A gentleman of some property and credit was about to emigrate, whilst he had a note outstanding; and the creditor not being willing to permit him to leave the country without security, sued out a writ of *ne exeat;* the man being somewhat surprised at the arrest and suit before the note was due, consented to go to jail or with the sheriff reluctantly, and, after getting some distance, he got off his horse and said he would not resist him, but he would lie down, and the sheriff must literally carry him, or he would not go. How was the sheriff to act under these circumstances? The old common law has told him that he must gather deputies enough to take peaceably the debtor to jail; this, of course, he did; since, if he had let him go, he would have been chargeable with the debt. This would have been as barbarous as to call upon bystanders to help him peaceably to do his duty.

Now, what does the opposite party propose as a substitute for the *posse?* It is powder and ball. They would say to the sheriff when his prisoner refused to proceed further, Draw your pistol, put it to his temple and blow out his brains. Without the *posse,* this must be the result.

Again: A man is convicted of murder. On the day of execution, he had procured arms; and when the sheriff went to bring him out for execution, he presented his arms, and put the sheriff at defiance. How was the sheriff to act? Not kill in turn. No, assemble the *posse,* which he did; deluged his insurgent prisoner with water until he destroyed his powder, and then they proceeded and carried him peaceably to the gallows. It would be murder in the sheriff to kill, except to save his own life. He must use the peaceable means provided, time out of mind, to execute the law. There is no military quality about it. The law has furnished the sheriff and *posse* for the judge, not the Executive, to carry into effect his judgments.

"The State might have proposed the call for a general convention to the other States; and Congress, if a sufficient number of them concurred, must have called it. But the first magistrate of South Carolina, when he expressed a hope that, 'on a review by Congress, and the functionaries of the General Government, of the merits of the controversy,' such a convention will be accorded to them, must have known that neither Congress nor any functionary of the General Government has authority to call such a convention, unless it be demanded by two-thirds of the States. This suggestion, then, is another instance of the reckless inattention to the provisions of the constitution with which this crisis has been madly hurried on; or of the attempt to persuade the people that a constitutional remedy had been sought and refused. If the Legislature of South Carolina 'anxiously desire' a general convention to consider their complaints, why have they not made application for it in the way the constitution points out? The assertion that they 'earnestly seek it,' is completely negatived by the omission."

The President here supposes that the late Governor was so ignorant of the constitution, that he did not know who were to call a convention; and, from want of correctness in one particular, he infers similar errors in hastening the crisis. Now, who are the functionaries referred to? He does not mean Congress; if he had, he would not have repeated the same idea. What is a functionary? That which performs an office or duty. Now, are not the State Governments the functionaries of the General Government, so far as to call a convention to amend the constitution? They are the agents for that purpose. It seems the Legislature has, in conformity with the suggestion of the late Governor, performed its functions so far as to ask for a convention.

Again: "At this annual period of our assembling, it becomes us to review the occurrences of the last year, connected with our domestic concerns, if not with a minute scrutiny, at least with a sentiment of fervent gratitude to the Great Disposer of human events. These tributes of our grateful acknowledgment are due for the various and multiplied blessings He has been pleased to bestow upon our people. Abundant harvests in every quarter of our State have crowned the exertions of our agricultural labors; health, almost beyond former precedent, has blessed our homes, as yet undisturbed by the frightful ravages of that new and terrible pestilence which has elsewhere made such portentous havoc in a large portion of the human family. Nor have we less reason for thankfulness in surveying our social condition. If a political excitement, connected with the public liberty of the country, has stimulated the public mind to a degree of fervor and vigor beyond all former example, this very excitement has furnished the consoling exponent of our fitness for the enjoyment of this inestimable blessing; for, in spite of a painful exasperation of public feeling, social order has been preserved, and the majesty of the law has been supreme."

This is a quotation from the Governor's message, upon which the following strong inference of great exaggerations of the evils of the tariff system, here, is the commentary:

"That this system, thus pursued, has resulted in no such oppression upon South Carolina, needs no other proof than the solemn and official declaration of the late Chief Magistrate of that State in his address to the Legislature. In that he says, that 'the occurrences of the past year, in connexion with our domestic concerns, are to be reviewed with a sentiment of fervent gratitude to the Great Disposer of human events; that tributes of grateful acknowledgment are due for the various and multiplied blessings he has been pleased to bestow on our people; that abundant harvests in every quarter of the State have crowned the exertions of agricultural labor; that health, almost beyond former precedent, has blessed our homes; and that there is not less reason for thankfulness in surveying our social condition.' It would, indeed, be difficult to imagine oppression, where, in the social condition of a people, there was equal cause of thankfulness as for abundant harvests, and varied and multiplied blessings with which a kind Providence had favored them."

I submit whether judgment could fairly be entered up against South Carolina, upon the admission of the Governor.

There is certainly ground to complain that, when our words are brought up in judgment against us, we are not permitted to be heard through the whole sentence. This quotation of the Governor's message would make us contending for our extreme rights as mere amateurs. Sir, there were points of controversy between these two public officers and the two Governments, of more moment than to raise a question whether we had a right to thank God for his mercies, and congratulate ourselves as a social people that our throats were not yet cut, except upon the condition that judgment should be entered upon this confession, that we were in a most prosperous condition, and mere amateur malcontents.

Mr. President, there are three propositions presented for the grave consideration of this body, springing out of the position of South Carolina, or rather three remedies proposed: the 1st, To adjust the taxes fairly, and modify the tariff with this view. 2d, To call a convention. 3d, To declare war. The latter seemed to be the favorite alternative.

I had intended to comment on the provisions of this bill, but I will content myself by simply stating the positions. Other gentlemen have discussed them. I will only remark that the precedents referred to are laws requiring the use of force without the body of any State, and which in one instance the President refused to enter, because it was at war with the rights of the State and the first principles of liberty; I mean the Indian intercourse law in the case of Georgia.

The bill is unconstitutional, because it confers the war power on the President.—1st and 8th section of the constitution.

It subjects a citizen to punishment when he has been guilty of no crime, by seizing his property, and compelling him to pay cash duties.—5th article of amendment.

It violates the rights of the people of the State, so far as to give a preference to other ports.—9th section.

It deprives the citizens of South Carolina of the same rights as citizens of other States.—5th section.

It places the military of the United States above the civil authority of a State.

It confers on the President legislative powers to shut up the port of Charleston.

It gives federal courts jurisdiction of cases which do not arise under the laws and constitution.—2d section, 3d article.

It subjects, without trial or process of law, citizens to be arrested and deprived of their liberty.

It punishes the freedom of speech and of the press.

It authorizes the President to consider the Legislature of a State as a mob, and, by issuing his proclamation, to disperse them by force.

It imposes cruel and unjust fines, and indirectly forfeits the office of State officers, who must obey their own laws, or be disfranchised.

It substitutes armed force for the judicial tribunals of the country. It makes a district court an appellate court over the State courts, as to *habeas corpus*.

It compels persons to prosecute suits in the federal courts, where the court must only nonsuit the party for want of jurisdiction, or take jurisdiction upon the suggestion of a defendant not warranted by law; thereby making the jurisdiction of the court to depend on the error or wickedness of all defendants.

I have attempted to prove that a State has a right to judge in the last resort of a violation of the constitution; that the proceedings of the State of South Carolina violate no provision of the constitution; that the means resorted to to protect her reserved rights are for her judgment alone; that, strong as they appear, they are warranted by the usurpations of this Government; that the questions presented to the descendants of a glorious ancestry, are liberty or slavery; the constitution with the Union, or the Union without a constitution; that we do not propose to secede, except this Government treats us as a public enemy, and drives us to the necessity of choosing between the halter and the bayonet; that you have the physical right, not the moral one, to pass the bill now under consideration; that it is the assertion of your rights by force against an organized Government, and is therefore war; that, in utter contempt of the fundamental principles of the Government, in derogation of the theory of federalism itself, you substitute force for law, the sword for the ermine; that the sacred principles of justice require you to reduce the taxes, and relieve a patriotic and a suffering people from poverty and oppression.

Knowing as I do (and which is too well attested by the events of the day for any honorable Senator to be ignorant of) that a deep and settled sense of discontent pervades the great mass of the people of South Carolina; that the sober, calm, patriotic population of Virginia, South Carolina, Georgia, Alabama, and Mississippi, revolt at this system of protection, as an invasion of their constitutional rights, I cannot help expressing a deep solicitude that this bill, in its present offensive form, may not receive the sanction of the present Congress.

I shall not run any parallel between this controversy and the revolutionary struggle. The doctrine upon which we rest our rights do not involve such principles. Sir, I regret that suspicions of the personal hatred of the President towards the people of South Carolina should, in the opinion of her public authorities, have rendered it necessary to arm in protection of their personal rights, as well as in defence of their fundamental laws.

Sir, placing myself in a purely selfish position, there is no honorable Senator who has higher motives to preserve the peace and good order of society. I have nothing to gain, every thing to lose by civil commotion.

If the first clause of this bill is retained and passed, I have substantial, well-grounded fears of the consequences. The exception in the last clause in the ordinance is a very extensive one, yet I am not prepared to say this bill will make a case without the exception. If the Senator from Pennsylvania, or any other Senator, supposes that both or either of the representatives of South Carolina on this floor hold that State in the palm of their hands, it is a great mistake. *Non nostrum tantas componere lites*. The political power of that State is now in the hands of intelligent and independent planters, who think for themselves, and act accordingly. What course will be taken upon the passage of this bill, and omission to modify the tariff, I am not prepared to say. From an article in the leading paper at the capital of that State, one exercising much influence, and reflecting a respectable portion of public opinion, it seems but little attention will be paid to the interference of Virginia, at least in the opinion of that writer. This article, although written with great ability, I am sure does injustice to the motives of our elder and much respected sister. Be that as it may, every motive of benevolence, justice, and prudence, urge us to abstain from rash or unskilful legislation. Who will try the strength of the diamond by the hammer and the anvil? To that impertinent curiosity which wishes to test the virtue of the Union, I would refer to the fate of Anselmo. Believe me, sir, the experiment is a useless, and may prove a fatal one.

I fear interested and malevolent persons have lent themselves to the basest and most profligate purposes, in misrepresenting both the President and the dominant party in South Carolina to each other. I know that a very strong conviction prevails that the Chief Magistrate mixes up personal with public considerations on this topic; that he seeks to indulge in the passion of revenge, and imbrue his hands in the blood of some of the public men of that State. And I know, moreover, that before this shall happen, a generous and spirited population will come to their rescue. The people will not permit their public functionaries, acting under their command, and clothed with the panoply of their power, to be led like criminals to the charnel-house. Before this will take place, many a brave man will perish. What Senator can desire to see the States pass under the yoke? How long since this body has surrendered their independence to the high behests of the Executive? Balfour and Rawdon have not contended, in the pages of history, for the honor of the execution of Hayne. If blood and carnage flow from this bill, the Senate, in after times, will not be emulous of the share they had in passing it.

Sir, I do not deny the power to pass such a bill. Cain had the power to kill his brother. Elizabeth had the power to take the life of the unfortunate Mary. The regicide court had the power to overrule the plea to its jurisdiction, by Charles the First. Bonaparte had the power to poison his prisoners at Jaffa. The question I make is, as to your right—moral right—by force, to compel the people of South Carolina to disobey their oaths and violate their most sacred obligations to their State Government.

It may be asked, if this bill be passed, what rights are left to South Carolina? She has the right to slink from her position, and, like a thievish slave, submit to the lash of a master. Nay, she has the further right left her—that right which Lucretia had, after she was dishonored. She has the right left her, which Virginius had, after the decree was pronounced which made his daughter a slave. She has the right which Leonidas had, to dispute the passage of the Persian army at the Straits of Thermopylæ. She has the right to resist unconstitutional taxation, as her fathers did; and she has the reserved right, which no Government can take away, nor tyranny destroy—the glorious right to live free or die.

Mr. WILKINS moved the following amendments to the bill, which were severally agreed to:

In 1st section, line 4, strike out "unlawful threats and menaces;" and after the word "thereof," in line 28, strike out the remainder of the section.

In section 2d, line 13, insert "revenue" before the word "law," so as to read "under the authority of any revenue law." Amendments to correspond with this were made informally in the other sections.

In the 5th section, line, 4, strike out "one of the district judges," and insert "any judge of any circuit or district court." In line 18, strike out "resist and."

Add a new section to the bill, providing that the act shall remain in force until the end of the next session of Congress, and no longer.

Fill blanks in section 7, with "1000," and "two months."

Mr. FORSYTH then moved to strike out the 3d section, as follows:

"Sec. 3. *And be it further enacted*, That in any case where suit or prosecution shall be commenced in a court of any State against any officer of the United States, or other person, for or on account of any act done under the laws of the United States, or under color thereof, or for or on account of any right, authority, or title set up or claimed by such officer, or other person, under any law of the United States, it shall be lawful for the defendant in such suit, or prosecution, at any time before trial, upon a petition to said court setting forth the nature of said suit, or prosecution, and verifying the said petition by affidavit, (which said petition and affidavit shall be presented to said court or to the clerk thereof, or left at the office of the said clerk,) to remove the said suit or prosecution to the circuit court of the United States then next to be holden in the district where the said suit, or prosecution, is commenced; and, thereupon, it shall be the duty of the said State court to stay all further proceedings therein; and the said suit, or prosecution, upon presentment of said petition, or affidavit, on leaving the same as aforesaid, shall be deemed and taken to be removed into the said circuit court; and any further procedings, trial, or judgment therein, in the said State court, shall be wholly null and void; and on proof being made to the said circuit court of the presentment of said petition and affidavit, or of the leaving the same as aforesaid, the said circuit court shall have authority to entertain jurisdiction of said suit, or prosecution, and to proceed therein, and to hear, try, and determine the same, in like manner as if the same had been originally cognizable and instituted in such circuit court. And all attachments made, and all bail and other security given upon such suit, or prosecution, shall be and continue in like force and effect as if the same suit, or prosecution, had proceeded to final judgment and execution in the State court. And if, upon the removal of any such suit, or prosecution, it shall be made to appear to the said circuit court that no copy of the record and proceedings therein in the State court can be obtained, it shall be lawful for said circuit court to allow and require the plaintiff to proceed *de novo*, and to file a declaration of his cause of action; and the parties may thereupon proceed as in actions originally brought in said circuit court; and on failure of so proceeding, judgment of *non pros.* may be rendered against the plaintiff, with costs for the defendant."

Mr. FORSYTH was aware, he said, that there was a precedent for the provisions of this section; but he objected to them as injurious and unnecessary in application to the state of things in South Carolina. If Carolina persisted in her course, the case in her courts must go on, and both the State and federal courts will therefore proceed *ex parte*. No cause can be fairly tried when both of the parties are not heard. Conflicting judgments will be rendered by the courts at an early day, one to be enforced by the marshal, and the other by the sheriff. All the parties will be put to great cost and trouble. The jurisdiction of the United States court was sufficiently well secured in other respects by the bill. It would be better, he thought, for the officers to carry the cause, first, to the highest court in the State, and then appeal to the federal court, if he do not obtain justice.

Mr. WEBSTER thought this the most important provision of the whole bill, as respects the protection of the federal officers. After the case had been decided in the courts of South Carolina, there could be no writ of error of the case tried. It would be impossible to get any thing like a fair trial in a court where the jurors are sworn to support the ordinance; and the writ of error would only go on the law of the case. We give a chance to the officer to defend himself where the authority of the law was recognised. If the judgments of the State court conflicted with those of the federal court, the right of jurisdiction must be tried. There was a stronger reason now in favor of those provisions than there was for a stronger law than this which was created during the existence of the non-intercourse and embargo acts. He hoped the Senator from Georgia would reconsider the motion.

Mr. WILKINS said this section was indispensably necessary, and, by the amendment just adopted, was applied to the revenue laws only. The committee thought this would be a less offensive mode of protecting the officers of the Government than to take an appeal from the solemn judgment of the highest State tribunal, which last course had been particularly offensive to some States of the Union. The only question was, whether it would be better to risk a collision between the federal and State courts, or leave the officers at the mercy of the State tribunals, framed as they are. If the State resisted the judgment of the federal courts, unpleasant consequences must result; but if the State courts are so organized that an impartial jury trial is out of the question, he saw no propriety in leaving the officers whom we employ at their mercy. An appeal after decision by a State court would be ineffectual. Even to ask leave to appeal is an offence punishable by fine and imprisonment. Rather than expose a party to this penalty, or to the unlimited punishment for contempt of court, he would run the risk of a conflict of jurisdiction.

Mr. GRUNDY said, that in the prosecutions and suits against the officers, many other questions might arise than those which are contemplated. But the whole case would be shut out from the Supreme Court when the appeal was made. That a collision might arise between the two jurisdictions, was no argument against the measure; for, if a collision must come, it might as well come in this as in any other form.

Adjourned.

TUESDAY, FEBRUARY 12.

MODIFICATION OF THE TARIFF.

Mr. CLAY rose, and addressed the Senate to the following effect:

I yesterday, sir, gave notice that I should ask leave to introduce a bill to modify the various acts imposing duties on imports. I, at the same time, added that I should, with the permission of the Senate, offer an explanation of the principle on which that bill is founded. I owe, sir, an apology to the Senate for this course of action, because, although strictly parliamentary, it is nevertheless out of the usual practice of this body; but it is a course which I trust that the Senate will deem to be justified by the interesting nature of the subject. I rise, sir, on this occasion, actuated by no motives of a private nature, by no personal feelings, and for no personal objects; but exclusively in obedience to a sense of the duty which I owe to my country. I trust, therefore, that no one will anticipate on my part any ambitious display of such humble powers as I may possess. It is sincerely my purpose to present a plain, unadorned, and naked statement of facts connected with the measure which I shall have the honor to propose, and with the condition of the country. When I survey, sir, the whole face of our country, I behold all around me evidences of the most gratifying prosperity—a prospect which would seem to be without a cloud upon it, were it not that through all parts of the country there exist great dissensions and unhappy distinctions, which, if they can possibly be relieved and reconciled by any broad scheme of legislation adapted to all interests, and regarding the feelings of all sections, ought to be quieted; and, leading to which object, any measure ought to be well received.

In presenting the modification of the tariff laws which I am now about to submit, I have two great objects in view. My first object looks to the tariff. I am compelled to express the opinion, formed after the most deliberate reflection, and on a full survey of the whole country, that, whether rightfully or wrongfully, the tariff stands in imminent danger. If it should even be preserved during this session, it must fall at the next session. By what circumstances, and through what causes, has arisen the necessity for this change in the policy of our country, I will not pretend now to elucidate. Others there are who may differ from the impressions which my mind has received upon this point. Owing, however, to a variety of concurrent causes, the tariff, as it now exists, is in imminent danger; and if the system can be preserved beyond the next session, it must be by some means not now within the reach of human sagacity. The fall of that policy, sir, would be productive of consequences calamitous indeed. When I look to the variety of interests which are involved, to the number of individuals interested, the amount of capital invested, the value of the buildings erected, and the whole arrangement of the business for the prosecution of the various branches of the manufacturing art which having sprung up under the fostering care of this Government, I cannot contemplate any evil equal to the sudden overthrow of all those interests. History can produce no parallel to the extent of the mischief which would be produced by such a disaster. The repeal of the edict of Nantes itself was nothing in comparison with it. That condemned to exile and brought to ruin a great number of persons. The most respectable portion of the population of France were condemned to exile and ruin by that measure. But in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe.

What, sir, are the complaints which unhappily divide the people of this great country? On the one hand, it is said by those who are opposed to the tariff, that it unjustly taxes a portion of the people, and paralyzes their industry; that it is to be a perpetual operation; that there is to be no end to the system, which, right or wrong, is to be urged to their inevitable ruin. And what is the just complaint, on the other hand, of those who support the tariff? It is, that the policy of the Government is vacillating and uncertain, and that there is no stability in our legislation. Before one set of books are fairly opened, it becomes necessary to close them, and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation, before it is yet nine months old, passed as it was under circumstances of extraordinary deliberation, the fruit of nine months' labor, before we know any thing of its experimental effects, and even before it commences its operations, we are required to repeal it. On one side we are urged to repeal a system which is fraught with ruin; on the other side, the check now imposed on enterprise, and the state of alarm in which the public mind has been thrown, render all prudent men desirous, looking ahead a little way, to adopt a state of things, on the stability of which they may have reason to count. Such is the state of feeling on the one side and on the other. I am anxious to find out some principle of mutual accommodation, to satisfy, as far as practicable, both parties; to increase the stability of our legislation; and at some distant day, but not too distant, when we take into view the magnitude of the interests which are involved, to bring down the rate of duties to that revenue standard for which our opponents have so long contended. The basis on which I wish to found this modification, is one of time; and the several parts of the bill to which I am about to call the attention of the Senate, are founded on this basis. I propose to give protection to our manufactured articles, adequate protection, for a length of time, which, compared with the length of human life, is very long, but which is short in proportion to the legitimate discretion of every wise and parental system of government; securing the stability of legislation, and allowing time for a gradual reduction on one side, and on the other proposing to reduce the rate of duties to that revenue standard for which the opponents of the system have so long contended. I will now proceed to lay the provisions of this bill before the Senate, with a view to draw their attention to the true character of the bill.

Mr. C. then proceeded to read the first section of the bill. According to this section, he said, it would be perceived that it was proposed to come down to the revenue standard at the end of little more than nine years and a half, giving a protection to our own manufactures, which he hoped would be adequate, during the intermediate time. Mr. C. recapitulated the provisions of the sections, and showed, by various illustrations, how they would operate.

Mr. C. then proceeded to read and comment at great length upon the second section of the bill. It would be recollected, he said, that at the last session of Congress, with the view to make a concession to the Southern section of the country, low priced woollens, (those supposed to enter into the consumption of slaves and the poorer classes of persons,) were taken out of the general class of duties on woollens, and the duty on them reduced to five per cent. It would be also recollected that at that time the gentlemen from the South had said that this concession was of no consequence, and they did not care for it; and he believed that they did not now consider it of any greater importance. As, therefore, it had failed of the purpose for which it was taken out of the common class, he thought it ought to be brought back again, and placed by the side of the other descriptions of woollens, and made subject to the same reduction of duty as proposed by this section.

Having next read through the third section of the bill, Mr. C. said, that, after the expiration of a term of years, this section laid down a rule by which the duties were to be reduced to the revenue standard which had been so long and so earnestly contended for. Until otherwise directed, and in default of provision being made for the wants of the Government in 1842, a rule was thus provided for the rate of duties thereafter: Congress being, in the mean time, authorized to adopt any other rule which the exigencies of the country or its financial condition might require. That is to say, if, instead of the duty of 20 per cent. proposed, 15 or 17 per cent. of duty was sufficient, or 25 per cent. should be found necessary, to produce a revenue to defray the expenses of an economical administration of the Government, there was nothing to prevent either of those rates, or any other, from being fixed upon; whilst the rate of 20 per cent. was introduced to guard against any failure on the part of Congress to make the requisite provision in due season.

This section of the bill, Mr. C. said, contained also another clause, suggested by that spirit of harmony and conciliation which he prayed might preside over the councils of the Union at this trying moment. It provided (what those persons who are engaged in manufactures have so long anxiously required for their security) that duties shall be paid in ready money; and we shall thus get rid of the whole of that credit system into which an inroad was made in regard to woollens, by the act of the last session. This section further contained a proviso, that nothing in any part of this act should be construed to interfere with the freest exercise of the power of Congress to lay any amount of duties, in the event of war breaking out between this country and any foreign Power.

Mr. C. having then read the fourth section of the bill, said that one of the considerations strongly urged for a reduction of the tariff at this time was, that the Government was likely to be placed in a dilemma by having an overflowing revenue; and this apprehension was the ground of an attempt totally to change the protective policy of the country. The section which he had read, Mr. C. said, was an effort to guard against this evil, by relieving altogether from duty a portion of the articles of import now subject to it. Some of these, he said, would, under the present rate of duty upon them, produce a considerable revenue; the article of silks alone would probably yield half a million of dollars per annum. If it were possible to pacify present dissensions, and let things take their course, he believed that no difficulty need be apprehended. If, said he, the bill which this body passed at the last session of Congress, and has again passed at this session, shall pass the other House, and become a law, and the gradual reduction of duties should take place which is contemplated by the first section of this bill, we shall have settled two (if not three) of the great questions which have agitated this country—that of the tariff, of the public lands, and, I will add, of internal improvement also. For, if there should still be a surplus revenue, that surplus might be applied, until the year 1842, to the completion of the works of internal improvement already commenced; and, after 1842, a reliance for all funds for purposes of internal improvement should be placed upon the operation of the land bill, to which he had already referred.

It was not his object, Mr. C. said, in referring to that measure in connexion with that which he was about to propose, to consider them as united in their fate, being desirous, partial as he might be to both, that each should stand or fall upon its own intrinsic merits. If this section of the bill, adding to the number of free articles, should become law, along with the reduction of duties proposed by the first section of the bill, it was by no means sure that we should have any surplus revenue at all. He had been astonished, indeed, at the process of reasoning by which the Secretary of the Treasury had arrived at the conclusion that we should have a surplus revenue at all, though he admitted that such a conclusion could be arrived at in no other way. But what was this process? Duties of a certain rate now exist; the amount which they produce is known; the Secretary, proposing a reduction of the rate of duty, supposes that the duties will be reduced in proportion to the amount of the reduction of duty. Now, Mr. C. said, no calculation could be more uncertain than that. Though, perhaps, the best that the Secretary could have made, it was still all uncertainty; dependent upon the winds and the waves, on the mutations of trade, and on the course of commercial operations. If there was any truth in political economy, it could not be that the result would agree with the prediction; for we are instructed by all experience that the consumption of any article is in proportion to the reduction of its price, and that in general it may be taken as a rule, that the duty upon an article forms a portion of its price. Mr. C. said he did not mean to impute any improper design to any one; but, if it had been so intended, no scheme for getting rid of the tariff could have been more artfully devised to effect its purposes than that which thus calculated the revenue, and, in addition, assumed that the expenditure of the Government every year would be so much, &c. Could any one here say what the future expenditure of the Government would be? In this young, great, and growing community, can we say what will be the expenditure of the Government even a year hence, much less what it will be three, or four, or five years hence? Yet it had been estimated, on assumed amounts, founded on such uncertain data, both of income and expenditure, that the revenue might be reduced so many millions a year!

Mr. C. asked pardon for this digression, and returned to the examination of articles, in the fourth section, which were proposed to be left free of duty. The duties on these articles, he said, now varied from 5 to 10 per cent. ad valorem; but low as they were, the aggregate amount of revenue which they produced was considerable. By the bill of the last session, the duty on French silks was fixed at five per cent., and that on Chinese silks at ten per cent. ad valorem. By the bill now proposed, the duty on French silks was proposed to be repealed, leaving the other untouched. He would frankly state why he made this distinction. It had been a subject of anxious desire with him to see our commerce with France increased. France, though not so large a customer in the great staples of our country as Great Britain, was a great growing customer. He had been much struck with a fact going to prove this, which accidentally came to his knowledge the other day; which was, that within the short period of fourteen years, the amount of consumption in France, of the great southern staple of cotton, had been tripled. Again, it was understood that the French silks of the lower grades of quality could not sustain a competition with the Chinese, without some discrimination of this sort. He had understood, also, that the duty imposed upon this article at the last session had been very much complained of on the part of France; and, considering all the circumstances connected with the relations between the two Governments, it appeared to him desirable to make this discrimination in favor of the French product. If the Senate should think differently, he should be content. If, indeed, they should think proper to strike out this section altogether, he should cheerfully submit to their decision.

After reading the fifth and sixth sections, Mr. C. said, he would now take a view of some of the objections which would be made to the bill. It might be said that the act was prospective; that it bound our successors; and that we had no power thus to bind them. It was true that the act was prospective, and so was almost every act which we ever passed; but we could repeal it the next day. It was the established usage to give all acts a prospective operation. In every tariff law there were some provisions which go into operation immediately, and others at a future time. Each Congress legislated according to their own views of propriety; their acts did not bind their successors, but created a species of public faith which would not rashly be broken. But, if this bill should go into operation, as he hoped, even against hope, that it might, he had not a doubt that it would be adhered to by all parties. There was but one contingency which would render a change necessary, and that was the intervention of a war, which was provided for in the bill. The hands of Congress were left untied in this event, and they would be at liberty to resort to any mode of taxation which they might propose. But, if we suppose peace to continue, there would be no motive for disturbing the arrangement, but, on the contrary, every motive to carry it into effect. In the next place, it will be objected to the bill, by the friends of the protective policy, (of whom he held himself to be one, for his mind was immutably fixed in favor of that policy,) that it abandoned the power of protection. But, he contended, in the first place, that a suspension of the exercise of the power was not an abandonment of it; for the power was in the constitution according to our theory; was put there by its framers, and could only be dislodged by the people. After the year 1842, the bill provided that the power should be exercised in a certain mode. There were four modes by which the industry of the country could be protected: First, the absolute prohibition of rival foreign articles. That was totally unattempted by the bill; but it was competent to the wisdom of the Government to exert the power whenever they wished. Second, the imposition of duties in such a manner as to have no reference to any object but revenue. When we had a large public debt, in 1816, the duties yielded thirty-seven millions, and paid so much more of the public debt; and subsequently, they yielded but eight or ten millions, and paid so much less of the debt. Sometimes we had to trench on the sinking fund. Now, we had no public debt to absorb the surplus revenue, and no motive for continuing the duties. No man can look at the condition of the country, and say that we can carry on this system, with accumulating revenue, and no practicable way of expending it. The third mode was attempted last session, in a resolution which he had the honor to submit last year, and which, in fact, ultimately formed the basis of the act which finally passed both Houses. This was to raise as much revenue as was wanted for the use of the Government, and no more; but to raise it from the protected, and not from the unprotected articles. He would say, that he regretted, most deeply, that the greater part of the country would not suffer this principle to prevail. It ought to prevail; and the day, in his opinion, would come, when it would be adopted as the permanent policy of the country. Shall we legislate for our own wants, or those of a foreign country? To protect our own interests, in opposition to foreign legislation, was the basis of this system. The fourth mode in which protection could be afforded to domestic industry was, to admit, free of duty, every article which aided the operations of the manufacturers. These were the four modes for protecting our industry; and to those who say that the bill abandons the power of protection, he would reply, that it did not touch that power; and that the fourth mode, so far from being abandoned, is extended and upheld by the bill. The most that can be objected to the bill by those with whom he had co-operated to support the protective system was, that, in consideration of nine and a half years of peace, certainty, and stability, the manufacturers relinquished some advantages which they now enjoyed. What was the principle which had always been contended for in this and in the other House? That, after the accumulation of capital and skill, the manufacturers would stand alone, unaided by the Government, in competition with the imported articles from any quarter. Now give us time; cease all fluctuations and agitations for nine years, and the manufacturers, in every branch, will sustain themselves against foreign competition. If we can see our way clearly for nine years to come, we can safely leave to posterity to provide for the rest. If the tariff be overthrown, as may be its fate next session, the country will be plunged into extreme distress and agitation. I, said Mr. C., want harmony. I wish to see the restoration of those ties which have carried us triumphantly through two wars. I delight not in this perpetual turmoil. Let us have peace, and become once more united as a band of brothers.

It may be said, that the farming interest cannot subsist under a twenty per cent. ad valorem duty. His reply was, "sufficient for the day is the evil thereof." He would leave it to the day when the reduction took effect, to settle the question. When the reduction takes place, and the farmer cannot live under it, what will he do? I will tell you, said Mr. C., what he ought to do. He ought to try it—make a fair experiment of it; and if he cannot live under it, let him come here and say he is bankrupt, and ruined. If then nothing can be done to relieve him ——Sir, I will not pronounce the words, for I will believe that something will be done, and that relief will be afforded without hazarding the peace and integrity of the Union. This confederacy is an excellent contrivance, but it must be managed with delicacy and skill. There were an infinite variety of prejudices and local interests to be regarded; but they should all be made to yield to the Union.

If the system proposed cannot be continued, let us try some intermediate system, before we think of any other dreadful alternative. Sir, it will be said, on the other hand—for the objections are made by the friends of protection, principally—that the time is too long; that the intermediate reductions are too inconsiderable; and that there is no guaranty that, at the end of the time stipulated, the reduction proposed would be allowed to take effect. In the first place should be recollected the diversified interests of the country; the measures of the Government which preceded the establishment of manufactures; the public faith in some degree pledged for their security; and the ruin in which rash and hasty legislation would involve them. He would not dispute about terms. It would not, in a court of justice, be maintained that the public faith was pledged for the protection of manufacturers; but there were other pledges which men of honor are bound by, besides those of which the law can take cognizance.

If we excite in our neighbor a reasonable expectation which induces him to take a particular course in business, we are in honor bound to redeem the pledge thus tacitly given. Can any man doubt that a large portion of our citizens believed that the system would be permanent? The whole country expected it. The security against any change of the system proposed by the bill was in the character of the bill—as a compromise between two conflicting parties. If the bill should be taken by common consent, as we hope it will be, the history of the revenue will be a guaranty of its permanence. The circumstances under which it was passed will be known and recorded; and no one will disturb a system which was adopted with a view to give peace and tranquillity to the country.

The descending gradations by which he proposed to arrive at the minimum of duties must be gradual. He never would consent to any precipitate operation, to bring distress and ruin on the community.

Now, said Mr. C., viewing it in this light, it appeared that there were eight years and a half, and nine years and a half, taking the ultimate time, which would be an efficient protection; the remaining duties would be withdrawn by a biennial reduction. The protective principle must be said to be, in some measure, relinquished at the end of eight years and a half. This period could not appear unreasonable, and he thought that no member of the Senate, or any portion of the country, ought to make the slightest objection. It now remained for him to consider the other objection—the want of a guaranty to there being an ulterior continuance of the duties imposed by the bill, on the expiration of the term which it prescribes. The best guaranties would be found in the circumstances under which the measure would be passed. If it were passed by common consent; if it were passed with the assent of a portion, a considerable portion, of those who had hitherto directly supported this system, and by a considerable portion of those who opposed it; if they declared their satisfaction with the measure, he had no doubt the rate of duties guarantied would be continued after the expiration of the term, if the country continued at peace. And, at the end of the term, when the experiment would have been made of the efficiency of the mode of protection fixed by the bill, while the constitutional question had been suffered to lie dormant, if war should render it necessary, protection might be carried up to prohibition; while, if the country should remain at peace, and this measure go into full operation, the duties would be gradually lowered down to the revenue standard, which had been so earnestly wished for.

But suppose that he was wrong in all these views—for there were no guaranties, in one sense of the term, of human infallibility; suppose a different state of things in the South; that the Senate, from causes which he should not dwell upon now, but which were obvious to every reflecting man in this country—causes which had operated for years past, and which continued to operate; suppose, for a moment, that there should be a majority in the Senate in favor of the Southern views, and that they should repeal the whole system at once; what guaranty would we have that the repealing of the law would not destroy those great interests which it is so important to preserve? What guaranty would you have that the thunders of those powerful manufacturers would not be directed against your Capitol, because of this abandonment of their interests, and because you had given them no protection against foreign legislation? Sir, said Mr. C., if you carry your measure of repeal without the consent, at least, of a portion of those who are interested in the preservation of manufactures, you have no security, no guaranty, no certainty, that any protection will be continued. But if the measure should be carried by the common consent of both parties, we shall have all security; history will faithfully record the transaction; narrate under what circumstances the bill was passed; that it was a pacifying measure; that it was as oil poured from the vessel of the Union, to restore peace and harmony to the country. When all this was known, what Congress, what Legislature, would mar the guaranty? What man, who is entitled to deserve the character of an American statesman, would stand up in his place, in either House of Congress, and disturb this treaty of peace and amity?

Sir, said Mr. C., I will not say that it may not be disturbed. All that I can say is, that there is all reasonable security that can be desired by those on the one side of the question, and much more than those on the other would have, by any unfortunate concurrence of circumstances. Such a repeal of the whole system should be brought about as would be cheerfully acquiesced in by all parties in this country. All parties might find in this measure some reasons for objection. And what human measure was there which was free from objectionable qualities? It had been remarked, and justly remarked, by the great Father of our country himself, that if that great work which is the charter of our liberties, and under which we have so long flourished, had been submitted, article by article, to all the different States composing this Union, the whole would have been rejected; and yet, when the whole was presented together, it was accepted as a whole. He (Mr. C.) would admit that his friends did not get all they could wish; and the gentlemen on the other side did not obtain all they might desire; but both would gain all that, in his humble opinion, was proper to be given in the present condition of the country. It might be true, that there would be loss and gain in this measure; but how was this loss and gain distributed? Among our countrymen. What we lose, no foreign hand gains; and what we gain, has been no loss to any foreign Power. It is among ourselves the distribution takes place. The distribution is founded on that great principle of compromise and concession which lies at the bottom of our institutions, which gave birth to the constitution itself, and which has continued to regulate us in our onward march, and conducted the nation to glory and renown.

It remained for him now to touch another topic. Objections had been made to all legislation at this session of Congress, resulting from the attitude of one of the States of this confederacy. He confessed that he felt a very strong repugnance to any legislation at all on this subject at the commencement of the session, principally because he misconceived the purposes, as he had found from subsequent explanation, which that State had in view. Under the influence of more accurate information, he must say, that the aspect of things, since the commencement of the session, had, in his opinion, greatly changed. When he came to take his seat on that floor, he had supposed that a member of this Union had taken an attitude of defiance and hostility against the authority of the General Government. He had imagined that she had arrogantly required that we should abandon, at once, a system which had long been the settled policy of this country. Supposing that she had manifested this feeling, and taken up this position, he (Mr. C.) had, in consequence, felt a disposition to hurl defiance back again, and to impress upon her the necessity of the performance of her duties as a member of this Union. But, since his arrival here, he found that South Carolina did not contemplate force, for it was denied and denounced by that State. She disclaimed it; and asserted that she is merely making an experiment. That experiment is this: By a course of State legislation, and by a change in her fundamental laws, she is endeavoring, by her civil tribunals, to prevent the General Government from carrying the laws of the United States into operation within her limits. That she has professed to be her object. Her appeal was not to arms, but to another power; not to the sword, but to the law. He must say, and he would say it with no intention of disparaging that State, or any other of the States, it was a feeling unworthy of her. As the purpose of South Carolina was not that of force, this at once disarmed, divested legislation of one of the principal objections which it appeared to him existed against it at the commencement of this session. Her purposes are all of a civil nature. She thinks she can oust the United States from her limits; and unquestionably she had taken good care to prepare her judges beforehand, by swearing them to decide in her favor. If we submitted to her, we should thus stand but a poor chance of obtaining justice. She disclaimed any intention of resorting to force, unless we should find it indispensable to execute the laws of the Union by applying force to her. It seemed to him, the aspect of the attitude of South Carolina had changed; or rather, the new light which he had obtained enabled him to see her in a different attitude; and he had not truly understood her, until she had passed her laws by which it was intended to carry her ordinance into effect. Now, he ventured to predict, that the State to which he had referred must ultimately fail in her attempt. He disclaimed any intention of saying any thing to the disparagement of that State. Far from it. He thought that she had been rash, intemperate, and greatly in error; and, to use the language of one of her own writers, made up an issue unworthy of her. He thought the verdict and judgment must go against her. From one end to the other of this continent, by acclamation as it were, nullification had been put down, and put down in a manner more effectually than by a thousand wars, or a thousand armies—by the irresistible force, by the mighty influence, of public opinion. Not a voice beyond the single State of South Carolina had been heard in favor of the principle of nullification, which she has asserted by her own ordinance; and he would say, that she must fail in her law-suit. He would express two opinions: the first of which was, that it is not possible for the ingenuity of man to devise a system of State legislation to defeat the execution of the laws of the United States, which could not be countervailed by federal legislation. A State might take it upon herself to throw obstructions in the way of the execution of the laws of the Federal Government; but federal legislation can follow at her heel quickly, and successfully counteract the course of State legislation. The framers of the constitution foresaw this, and the constitution has guarded against it. What has it said? It is declared, in the clause enumerating the powers of this Government, that Congress shall have all power to carry into effect all the powers granted by the constitution, in any branch of the Government. Under this sweeping clause, for they have not specified contingencies, because they could not see what was to happen; but whatever powers were necessary—all, all are given to this Government, by the fundamental law, necessary to carry into effect those powers which are vested by that constitution in the Federal Government. That is one reason. The other is, that it is not possible for any State, provided this Government is administered with prudence and propriety, so to shape its laws as to throw upon the General Government the responsibility of first resorting to the employment of force; but if force is at all employed, it must be by State legislation, and not federal legislation; and the responsibility of employing that force must rest with, and attach to, the State itself.

I, said Mr. C., shall not go into the details of this bill. I merely throw out these sentiments for the purpose of showing you that South Carolina, having declared her purpose to be this, to make an experiment—whether by a course of legislation, in a conventional form, or a legislative form of enactment, she can defeat the execution of certain laws of the United States, I, for one, will express my opinion, that I believe it is utterly impracticable, whatever course of legislation she may choose to adopt, for her to succeed. I am ready, for one, to give the tribunals and the Executive of the country, whether that Executive has or has not my confidence, the necessary measures of power and authority to execute the laws of the Union. But I would not go a hair's breadth further than what is necessary for those purposes. Up to that point I would go, and cheerfully go, for it is my sworn duty, as I regard it, to go to that point.

Again: taking this view of the subject, South Carolina is doing nothing more, except that she is doing it with more rashness, than some other States have done—that respectable State, Ohio, and, if he was not mistaken, the

State of Virginia also. An opinion prevailed some years ago, that if you put the laws of a State into a penal form, you could not oust federal jurisdiction out of the limits of that State, because the State tribunals had an exclusive jurisdiction over penalties and crimes; and it was inferred that no federal court could wrest the authority from them. According to that principle, the State of Ohio passed the laws taxing the branch of the United States Bank, and high penalties were to be enforced against every person who should attempt to defeat her taxation. The question was tried. It happened to be my lot, said Mr. C., to be counsel at law to bring the suit against the State, and to maintain the federal authority. The trial took place in the State of Ohio; and it is one of the many circumstances which redounded to the honor of that patriotic State, she submitted to federal force. I went to the office of the public treasury myself, to which was taken the money of the Bank of the United States; it having remained there in sequestration until it was peaceably surrendered in obedience to the decision of the court, without any appeal to arms. In a building which I had to pass in order to reach the treasury, I saw the most brilliant display of arms and musketry that I ever saw in my life; but not one was raised, or threatened to be raised, against the due execution of the laws of the United States, when they were then enforced. In Virginia, (but I am not sure that I am correct in the history of it,) there was a case of this kind; persons were liable to penalties for selling lottery tickets. It was contended that the State tribunals had an exclusive jurisdiction over the subject. The case was brought before the Supreme Court; the parties were a Myers and somebody else; and it decided, as it must always decide, no matter what obstruction, no matter what the State law may be; the constitutional laws of the United States must follow and defeat it, in its attempt to arrest the federal arm in the exercise of its lawful authority. South Carolina has attempted, and I repeat it, in a much more offensive way, attempted to defeat the execution of the laws of the United States. But it seems that, under all the circumstances of the case, she has, for the present, determined to stop here, in order that, by our legislation, we may prevent the necessity of her advancing any further. But there are other reasons for the expediency of legislating at this time. Although I came here fully impressed with a different opinion, my mind has now become reconciled.

The memorable first of February is past. I confess I did feel an unconquerable repugnance to legislation until that day should have passed, because of the consequences that were to ensue. I hoped that the day would go over well. I feel, and I think we must all confess, we breathe a freer air than when the restraint was upon us. But this is not the only consideration. South Carolina has practically postponed her ordinance, instead of letting it go into effect, till the fourth of March. Nobody who has noticed the course of events can doubt that she will postpone it by still farther legislation, if Congress should rise without any settlement of this question. I was going to say, my life on it, she will postpone it to a period subsequent to the fourth of March. It is in the natural course of events. South Carolina must perceive the embarrassments of her situation. She must be desirous—it is unnatural to suppose that she is not—to remain in the Union. What! a State, whose heroes in its gallant ancestry fought so many glorious battles along with those of the other States of this Union; a State with which this confederacy is linked by bonds of such a powerful character! I have sometimes fancied what would be her condition if she goes out of this Union; if her five hundred thousand people should at once be thrown upon their own resources. She is out of the Union. What is the consequence? She is an independent Power. What then does she do? She must have armies and fleets, and an expensive Government; have foreign missions; she must raise taxes; enact this very tariff, which had driven her out of the Union, in order to enable her to raise money, and to sustain the attitude of an independent Power. If she should have no force, no navy to protect her, she would be exposed to piratical incursions. Their neighbor, St. Domingo, might pour down a horde of pirates on her borders, and desolate her plantations. She must have her embassies; therefore, must she have her revenue. And, let me tell you, there is another consequence—an inevitable one; she has a certain description of persons recognised as property, south of the Potomac and west of the Mississippi, which would be no longer recognised as such, except within her own limits. This species of property would sink immediately to one-half of its present value, for it is Louisiana and the Southwestern States which are her great market.

But I will not dwell on this topic any longer. I say it is utterly impossible that South Carolina ever desired, for a moment, to become a separate and independent State. If the existence of the ordinance, while an act of Congress is pending, is to be considered as a motive for not passing that law, why this would be found to be a sufficient reason for preventing the passing of any laws. South Carolina, by keeping the shadow of an ordinance ever before us, as she has it in her power to postpone it from time to time, would defeat our legislation forever. I would repeat that, under all the circumstances of the case, the condition of South Carolina is only one of the elements of a combination; the whole of which together constitutes a motive of action which renders it expedient to resort, during the present session of Congress, to some measure, in order to quiet and tranquilize the country.

If there be any who want civil war, who want to see the blood of any portion of our countrymen spilt, I am not one of them; I wish to see war of no kind; but, above all, do I not desire to see a civil war. When war begins, whether civil or foreign, no human foresight is competent to foresee when, or how, or where it is to terminate. But when a civil war shall be lighted up in the bosom of our own happy land, and armies are marching, and commanders are winning their victories, and fleets are in motion on our coast, tell me, if you can—tell me, if any human being can tell, its duration? God alone knows where such a war will end. In what state will be left our institutions? In what state our liberties? I want no war; above all, no war at home.

Sir, I repeat, that I think South Carolina has been rash, intemperate, and greatly in the wrong; but I do not want to disgrace her, nor any other member of this Union. No; I do not desire to see the lustre of one single star dimmed of that glorious confederacy which constitutes our political sun; still less do I wish to see it blotted out, and its light obliterated forever. Has not the State of South Carolina been one of the members of this Union in "days that tried men's souls?" Have not her ancestors fought alongside our ancestors? Have we not, conjointly, won together many a glorious battle? If we had to go into a civil war with such a State, how would it terminate? Whenever it should have terminated, what would be her condition? If she should ever return to the Union, what would be the condition of her feelings and affections? what the state of the heart of her people? She has been with us before, when her ancestors mingled in the throng of battle, and as I hope our posterity will mingle with hers for ages and centuries to come in the united defence of liberty, and for the honor and glory of the Union. I do not wish to see her degraded or defaced as a member of this confederacy.

In conclusion, allow me to entreat and implore each individual member of this body to bring into the consideration of this measure, which I have had the honor of proposing, the same love of country which, if I know myself, has actuated me, and the same desire for restoring harmony to the Union which has prompted this effort. If we can forget for a moment—but that would be asking too much of human nature; if we could suffer, for one moment, party feeling and party causes—and, as I stand here before my God, I declare I have looked beyond those considerations, and regarded only the vast interests of this united people—I should hope that, under such feelings, and with such dispositions, we may advantageously proceed to the consideration of this bill, and heal, before they are yet bleeding, the wounds of our distracted country. Mr. C. concluded with asking leave to introduce his bill.

Mr. FORSYTH presumed, he said, that the motion for leave, in its present stage, was a subject of discussion; if so, he begged leave to say a word or two in opposition to it. The avowed object of the bill would meet with universal approbation. It was a project to harmonize the people, and it could have come from no better source than from the gentleman from Kentucky; for to no one were we more indebted than to him for the discord and discontent which agitate us. But a few months ago it was in the power of the gentleman, and those with whom he acted, to settle this question at once and forever. The opportunity was not seized, but he hoped it was not passed. In the project now offered, he could not see the elements of success. The time was not auspicious. But fourteen days remained to the session; and we had better wait the action of the House on the bill before them, than, by taking up this new measure here, produce a cessation of their action. Was there not danger that the fourteen days would be exhausted in useless debate? Why, twenty men, with a sufficiency of breath, (for words they would not want,) could annihilate the bill, though a majority in both Houses were in favor of it. He objected, too, that the bill was a violation of the constitution, because the Senate had no power to raise revenue. Two years ago, the same Senator made a proposition, which was rejected on this very ground. The offer, however, would not be useless; it would be attended with all the advantages which could follow its discussion here. We shall see it, and take it into consideration as the offer of the manufacturers. The other party, as we are called, will view it as a scheme of diplomacy; not as their *ultimatum*, but as their first offer. But the bargain was all on one side. After they are defeated, and can no longer sustain a conflict, they come to make the best bargain they can. The Senator from Kentucky says, the tariff is in danger; aye, sir, it is at its last gasp. It has received the immedicable wound; no hellebore can cure it. He considered the confession of the gentleman to be of immense importance. Yes, sir, the whole feeling of the country is opposed to the high protective system. The wily serpent that crept into our Eden has been touched by the spear Ithuriel. The Senator is anxious to prevent the ruin which a sudden abolition of the system will produce. No one desires to inflict ruin upon the manufacturers; but suppose the Southern people, having the power to control the subject, should totally and suddenly abolish the system; what right would those have to complain who had combined to oppress the South? What has the tariff led us to already? From one end of the country to the other, it has produced evils which are worse than a thousand tariffs. The necessity of appealing now to fraternal feeling shows that that feeling is not sleeping, but nearly extinguished. He opposed the introduction of the bill as a revenue measure, and upon it demanded the yeas and nays, which were ordered.

Mr. SMITH, of Maryland, observed, that the bill was no cure at all for the evils complained of by the South. They wished to try the constitutionality of protecting duties. In this bill there was nothing but protection, from beginning to end. We had been told that if the bill passed with common consent, the system established by it would not be touched. But he had once been cheated in that way, and would not be cheated again. In 1816 it was said the manufacturers would be satisfied with the protection afforded by the bill of that year, but in a few years after they came and insisted for more, and got more. After the first four years, an attempt would be made to repeal all the balance of this bill. He would go no further than four years in prospective reduction. The reduction was on some articles too great. He would go no lower than 20 per cent. on cotton.

Mr. HOLMES confessed that this was the first time but one that he ever heard an objection made to a motion of leave. Common courtesy required that any Senator should have leave to introduce any bill he pleased. He did not know whether he should like the principles of this bill, but he would like to have it on the table, and see whether he would approve of it. As to punishment, the friends of protection would submit to none, for they had committed no crime. The cotton interest of the United States had grown up under a protection of three cents a pound, which it had enjoyed since the year 1790; and since, by this crime, it had been protected enough, its friends were very willing to denounce protection. It was extraordinary that a proposition of reconciliation should not be received, and that the yeas and nays should be called upon it. When he reflected that this is a proposition intended as a peace-offering, and considered the manner of its reception, he almost wished that he had complied with the request of his constituents a little before, and resigned. Then he would not have been here to see such a proposition rejected.

Mr. FORSYTH replied, that if the Senator from Kentucky had not explained the provisions of the bill, and shown them to be unconstitutional, he should have no objections to its introduction. If the Senator from Maine had never before heard of an objection to a motion for leave to introduce a bill, he would probably hear of it hereafter. He had not spoken of any punishment for the friends of the protective system in this body, but of the manufacturers generally. I know, said Mr. F., that the friends of the manufacturers are undergoing their sentence at this moment.

Mr. POINDEXTER returned his hearty thanks to the Senator from Kentucky for introducing this bill, and he hoped he would have leave. We have arrived at a singular state of things, (said Mr. P.) We see honorable Senators decrying the tariff as ruinous and oppressive, and yet voting for fleets and armies to carry it into effect. When an honorable Senator proposes conciliation, it is opposed as something which ought to be averted and avoided. Fourteen days we have spent here in idle debate, upon a question whether we should declare war upon South Carolina, or not. The Senator from Kentucky has offered at last an olive branch; but though the Senator from Georgia is willing to make war, to enforce the accursed tariff, yet he will refuse the tender of an offer to remove its burdens. As to the constitutional point, the only violation of the rule prohibiting the Senate from originating a bill raising revenue would take place at the consummation, not at the inception of the measure. We have had a previous bill before us, which ought to have been kicked out of this body as soon as it was shown here; but this measure, which looks to the peace and tranquillity of the country, did not meet with as much favor as that from the honorable Senator from Georgia. The sovereign panacea for healing all our wounds, and restoring perfect health to the body politic, is that which the Judiciary Committee has reported, viz: doses of cannon balls, bullets, and bayonets. He protested against an inconsistency which would bring out the whole of the country to carry the tariff laws into effect, and then refuse to receive any proposition to modify the tariff.

Mr. SPRAGUE said, time enough had not yet been afforded to determine whether he should be able to give this important bill his ultimate support or not. That would depend upon a more deliberate examination of its principles and details. The only question now before the Senate was, whether leave should be given to introduce it, whether it should be laid before the Senate. If the gentleman from Georgia [Mr. FORSYTH] had confined himself simply to his constitutional objections, he (Mr. S.) would not have arisen. But what had the Senate heard? What was the condition of the country? Disquieted, disturbed, almost convulsed; laws annulled; violent resistance to their enforcement threatened; apprehension of disaster and ruin on the one hand, and civil war on the other, spreading far and wide. Already the din of preparation is borne upon the southern breeze; and we may almost hear the clangor of arms. On all sides of the House, and from all quarters out of the House, they had heard the anxious hope expressed, that some measure might be devised which should give peace to the country. It was their solemn and official duty to seek, anxiously to seek, and embrace, measures of tranquillity. A proposition to that effect, from a source entitled to the highest consideration, is presented to us, accompanied by an explanation conciliatory in its language, and elevated in its sentiments. How has it been met, and that, too, by a Senator from that section of country which raised aloud the cry of oppression, and which the bill proposes to relieve? In the first place, by a sarcasm upon the honorable mover! By telling the gentleman from Kentucky that a measure of peace comes with peculiar propriety from him, who, of all men, had most contributed to the distraction which pervades the country. Is this the mode in which tranquillity is to be restored, by repelling propositions with reproaches upon its author? Are the feelings thus excited in order to produce harmony and concord?

But the gentleman did not stop there. The feelings of all who have heretofore sustained the great American system were assailed in a manner to excite any emotions but those of conciliation. The gentleman sounded the note of triumph and victory, vaunting as over a fallen foe, and denouncing punishment and retribution! He would not even receive from them propositions of peace; unconditional submission seemed to be demanded. One would have thought that they were suppliants at his feet, and that he could trample upon them with impunity. But he warned the gentleman against trusting to so gross a delusion. They are yet erect, with arms in their hands, and vigor and spirit to wield them with effect. If war is to be waged, he will find that the battle is not yet won; and let him that putteth off the harness boast, not him that putteth it on. The time for his shout of victory and triumph has not yet arrived. Triumph over whom? the friends and supporters of protection—the North, Middle, and Western sections of our country!

In his assumption that this has emanated from the weakness of the friends of protection, the gentleman is in profound error; it proceeds not from their weakness, but their strength. The feeble cannot yield with safety or honor; the powerful may with both. It is a proposition from the strong to the weak: and it is because they are strong, that they can make the concession with dignity. Does the gentleman suppose that the little cloud that lowers in the Southern horizon, the speck of war there risen, has already overwhelmed the whole Northern, Middle, and Western country? has brought them to unconditional submission? He much mistakes the temper of the times. The spirit of concession which he sees, is not the offspring of fear, but forbearance; it is from the magnanimity of conscious power, and which nothing is more likely to destroy than an imperious tone of demand in those towards whom it is extended.

There is yet another ground of objection. He says, if this bill should be generally popular, if it should be every where received with favor, the effect might be to arrest the progress of a measure in the other House, and defeat an adjustment. That is indeed a danger which few would have had the sagacity to discover. The popularity, the acceptableness of a measure, being so great as to supersede all others, is to be the means of preventing the desired arrangement from being accomplished! To other minds, this would have appeared to be one of its greatest recommendations.

Mr. S. said he wished to repeat, that he had not had an opportunity to give that deliberate examination to the principle and details of the bill which would enable him to say at this moment whether it should receive his support or not; but he was anxious to have it legitimately and regularly before the Senate, and hoped the leave asked would be granted.

Mr. FORSYTH said that he was in a very unfortunate condition, as he had drawn upon himself a fire from both parties in the Senate. The opposing portions of the Senate, who had heretofore been disposed to war against each other, had now united to war upon him. He was the friend of peace; and any proposition for peace, whether pacific or peaceful, should have his support—even to the last. He had been accused of meeting the proposition of the Senator from Kentucky with a sarcasm. How so? Was it by referring to that which was the boast of the Senator from Kentucky—that he was the steady and ardent friend of the protective system, which he had a right to support, with the views he entertained, that it had elevated the standing and promoted the prosperity of the country; while they who resided in the Southern States held the opposite opinion? It was, therefore, no sarcasm; it was not intended as such; but rather as a compliment, since it was the duty of the Senator from Kentucky, standing at the head of a great party, to sustain his principles. He (Mr. F.) had not said that the Senate should not receive the bill, for the introduction of which the leave was asked. What he had said was, that if the Senator from Kentucky would strike out the clause to which he objected as unconstitutional, he would give his vote in favor of granting leave, but he could not vote for granting the leave while that clause stood in the bill. He did not feel that he should be inclined to support the bill itself in its present form, because it asked too much. The gentleman from Maine had said that this was a proposition from strength to weakness. So it was at this moment, but it would not be so after the third of March next. Was not every Senator aware that a salutary change had taken place in public opinion on this subject; and after the close of the present session, was it not well known that they who were now the majority would have to submit to a majority entertaining opposite views, and representing the true opinions of a majority of the people? At the next session of Congress, it was anticipated that the majority of Congress would be in favor of the South, and that portion of the Union would then have the justice which they had so long asked for in vain.

The Senator from Mississippi had adverted to another bill which was pending before the Senate, and which he designated a bill to make war against South Carolina. When that bill should be before the Senate, it would be time enough to characterize it with epithets. He should feel it to be his duty to support that bill, because he believed that it was a constitutional measure, and that its effect would be, to prevent the citizens of South Carolina who had adopted different views of their duties (one party adhering to their allegiance to the State, and the other considering their first duty as due to the United States,) from coming into conflict, and butchering one another.

Mr. CLAY said, whether the remark of the Senator from Georgia was intended as a sarcasm or not, he did not view it as material. He had prescribed to himself a course of action from which he would not suffer himself to be disturbed. He had resolved, that while he was engaged in this work of peace, nothing which might be thrown out in the remarks of gentlemen, whether personal or not, should provoke him to any warmth of reply. He was, he must confess, somewhat surprised at the manner in which his request had been received. The gentleman from Georgia had intimated that this bill was the work of the manufacturers. The fact was not so. The bill was exclusively his own, and had been framed in opposition to the opinions and wishes of some manufacturers with whom he had conferred. If he had listened to them, he should not have introduced this bill; but he had been moved by higher considerations, and had looked solely to the harmony and feelings of the whole Union.

In reference to the constitutional section, he reminded he gentleman that the bill was not a bill to raise the duties, but to reduce them; and, therefore, did not come within the reach of an equitable objection. If it had been a bill to raise the rate of duties, the objection to it would have been a valid one. The gentleman from New Jersey [Mr. Dickerson] had formerly asked leave to introduce a bill, similar in its character, and containing a clause for raising a duty; but not an objection was made, and the bill was introduced. The constitution says that all bills to raise revenue shall originate in the House of Representatives. This was a bill to reduce the duties, except in a single clause, and that clause relates to the act which had not yet gone into operation. It repeals the clause in that act which relates to the duty on woollens, and then re-inserts a scale of duty in its room. He did not believe that it was the intention of the constitution so far to restrict the right of the Senate, as to preclude the origination of a bill to repeal any existing law. Bills which come from the House were subject, in the Senate, to any amendment which a member may make, and which the Senate may think proper to make. It was perfectly clear, that if there was any thing objectionable in the details of the bill, it could be corrected in its progress after it had been introduced.

Mr. CALHOUN rose and said, he would make but one or two observations. Entirely approving of the object for which this bill was introduced, he should give his vote in favor of the motion for leave to introduce it. He who loves the Union must desire to see this agitating question brought to a termination. Until it should be terminated, we could not expect the restoration of peace or harmony, or a sound condition of things, throughout the country. He believed that to the unhappy divisions which had kept the Northern and Southern States apart from each other, the present entirely degraded condition of the country (for entirely degraded he believed it to be) was solely attributable. The general principles of this bill received his approbation. He believed that if the present difficulties were to be adjusted, they must be adjusted on the principles embraced in the bill, of fixing ad valorem duties, except in the few cases in the bill to which specific duties were assigned. He said that it had been his fate to occupy a position as hostile as any one could, in reference to the protecting policy; but, if it depended on his will, he would not give his vote for the prostration of the manufacturing interest. A very large capital had been invested in manufactures, which had been of great service to the country; and he would never give his vote to suddenly withdraw all those duties by which that capital was sustained in the channel into which it had been directed. But he would only vote for the ad valorem system of duties, which he deemed the most beneficial and the most equitable. At this time, he did not rise to go into a consideration of any of the details of this bill, as such a course would be premature, and contrary to the practice of the Senate. There were some of the provisions which had his entire approbation, and there were some to which he objected. But he looked upon these minor points of difference as points in the settlement of which no difficulty would occur, when gentlemen met together in that spirit of mutual compromise which, he doubted not, would be brought into their deliberations, without at all yielding the constitutional question as to the right of protection.

[Here there was a tumultuous approbation in the galleries, which induced the Chair to order the galleries to be cleared. On the expression of a hope, by Mr. Poindexter and Mr. Holmes, that the order would not, at this time, be enforced, the Chair subsequently withdrew it; but gave notice that on any repetition of the disorder, the officers of the House would act without any further direction.]

Mr. DICKERSON said that, as the ayes and noes had been ordered, he felt himself bound to give a reason why he should feel himself constrained to vote against the granting of leave. It was not in reference to the merits of the bill; not that he strongly and entirely approved or disapproved of any of its provisions, that he should record his vote. Such a bill as this could not, in his opinion, originate in the Senate. The gentleman from Kentucky knew that he was, in no instance, disposed to go against any motion which came within the rules and rights of the Senate. He stated that he had originated the bill to which reference had been made by the instruction of the committee.

The gentleman from Kentucky said this was not a bill, the object of which was to raise the revenue. Now, he (Mr. D.) thought, that although a bill might be, nominally, a bill to reduce the revenue, some of its provisions, by reducing duties, might so operate as to raise the amount of revenue collected. He did not, however, read the clause of the constitution in the same way as the gentleman from Kentucky did. To raise revenue, according to the meaning of that instrument, was entirely a distinct thing from a mere question of the modification of duties. We have a bill which has been passed to raise revenue; and this, which is now under consideration, is a bill to raise revenue. The term, as used in the constitution, implies the collecting and bringing money into the treasury. This was the view he had always taken of the meaning of the clause. And he hoped that the Senator from Kentucky would excuse him, if, on the ayes and noes being taken, he should record his vote in the negative. Not that he was against the bill, although he had strong doubts whether, at this late period of the session, it could be productive of any good consequences.

Mr. WEBSTER said, that as, by its title, the bill appeared to be merely a bill to modify the existing revenue laws, it could hardly be rejected as a bill for raising revenue, which ought to originate in the other House, since there are many particulars in which all the existing revenue laws might be modified, without raising more or less revenue. As the bill has not been read, (said Mr. W.) we seem to know no more of it, regularly, than its title purports. That title describes a bill, which may constitutionally originate in the Senate: I shall, therefore, vote for the leave.

But I feel it my duty, Mr. President, to say a word or two upon the measure itself. It is impossible that this proposition of the honorable member from Kentucky should not excite in the country a very strong sensation; and in the relation in which I stand to the subject, I am anxious, at an early moment, to say, that as far as I understand the bill, from the gentleman's statement of it, there are principles in it to which I do not at present see how I can ever concur. If I understand the plan, the result of it will be a well-understood surrender of the power of discrimination, or a stipulation not to use that power, in the laying duties on imports, after the eight or nine years have expired. This appears to me to be matter of great moment. I hesitate to be a party to any such stipulation. The honorable member admits, that though there will be no positive surrender of the power, there will be a stipulation not to exercise it; a treaty of peace and amity, as he says, which no American statesman can, hereafter, stand up to violate. For one, sir, I am not ready to enter into the treaty. I propose, so far as depends on me, to leave all our successors in Congress as free to act as we are ourselves.

The honorable member from Kentucky says the tariff is in imminent danger; that, if not destroyed this session, it cannot hope to survive the next. This may be so, sir. This may be so. But if it be so, it is because the American people will not sanction the tariff; and if they will not, why, then, sir, it cannot be sustained at all. I am not quite so despairing as the honorable member seems to be. I know nothing which has happened, within the last six or eight months, changing, so materially, the prospects of the tariff. I do not despair of the success of an appeal to the American people, to take a just care of their own interests, and not to sacrifice those vast interests which have grown up under the laws of Congress.

But, sir, out of respect to the economy of the time of the Senate, I will pursue these remarks no farther at present; but will take an opportunity, to-morrow, to lay on the table resolutions expressing my general opinions on this interesting subject.

Mr. FORSYTH said, that as the Senator from Kentucky would not strike out from the bill the clause which he (Mr. F.) had considered as exceptionable, and as he found himself in a situation not to be sustained by many votes, he wished to fortify himself behind a decision of the Vice President, [Mr. CALHOUN,] on a former bill, very similar to the present. A Senator from Missouri, [Mr. BENTON,] who was not now in his seat, asked leave to bring in a bill to modify the duties on alum salt. The very objection was made to that bill which he now made to the introduction of the bill of the Senator from Kentucky. The President had decided that, as a bill to regulate the duties on imports, in which salt was an item, was before the Senate, the bill of the Senator from Missouri would not be in order. [Mr. CALHOUN made an explanation in a single sentence, which we did not catch.] There was a clause in this bill to raise the duty. On this point his objection was founded. Gentlemen might place what construction they chose on the term "raising revenue." Used separately for raising or reducing revenue, the originating of the bill in this House was unconstitutional; but when a bill embraced both raising and reducing, it was constitutional. He begged to disclaim any idea of opposing the introduction of the bill on any other ground.

Mr. BUCKNER made a few observations, which could not be distinctly heard, as he spoke from under the gallery. He was understood as saying, that he was not prepared to state whether he should go the length of this bill or not; but he was willing to make great concessions to preserve the harmony of the Union; and, as he would not shut out any proposition of a pacific character, he should vote in favor of granting leave to introduce the bill.

Mr. KANE thought that, unless the bill introduced new subjects for duty, it ought not to be viewed as unconstitutional. He made one or two other observations, which were inaudible in the gallery, and stated that he should vote for granting the leave asked.

Mr. HOLMES said, he knew not how a measure to reduce revenue was a measure to raise revenue. Raising, is to lift up; and reducing, is to let down; and how letting down could be lifting up, he had yet to learn. He would be willing to hear gentlemen on the bill; and no one could in courtesy refuse to let a bill be introduced, which no one had heard. If all those members were to be presented, who had voted for the protective system, he wished to know if he was to be included in the indictment; and, if so, whether he was to be tried before the fourth of March, or afterwards? If he was to be tried afterwards, he should be dead. He had been a long time against the system, and some of the Southern gentlemen had warmly advocated it. At length Satan beguiled him, and he did eat. If he was to be tried after the fourth of March, he could sit down on his reserved rights; and they in the East knew how to nullify, when they could make a profit by it. There they had the advantage of South Carolina; she had beat the bush, but Georgia had got the bird; and now that Georgia has got the bird, she says to South Carolina, Don't beat the bush any more, because I have got the bird.

Mr. CHAMBERS suggested to the Senator from Georgia the propriety of withdrawing the call for the yeas and nays.

Mr. FOOT turned to the journals to show that the bill referred to by the gentleman from Georgia had been introduced, and that a motion, in relation to a point of order, had been laid on the table.

Mr. KING said he had no idea that this question would come up for consideration to-day. He had listened to the explanation of the gentleman from Kentucky with an unmixed pleasure; and, although he was not prepared to take the bill precisely in the form in which it had been reported, he hoped that the speech, so honorable to that Senator, in which he had come to the discussion of the subject, would be imitated by all those who should follow him. For himself, he wished to see this vexed question settled in a peaceful and equitable manner. The motion for leave to introduce a bill he had never seen refused to a Senator since he had a seat on this floor. The Senator from Kentucky might introduce his bill in any form he pleased. It must go to a committee, and that committee could amend it in any way they might think proper, or report it without amendment, and it would then be discussed in Committee of the Whole. He wished to let this bill go on in the ordinary course, and to see a measure in progress which held out the promise of a restoration of peace to the country.

Mr. FORSYTH expressed regret that he should have created so much discussion. He did not oppose the object of the bill; he would not have raised his voice on the subject, if the motion did not call on him to violate a provision of the constitution of the United States. He had referred the Senate to a case in which the Chair had evinced an inclination to decide that the bill could not be received. At the time when this intimation was given, he (Mr. F.) had thought that the decision was incorrect, and that then, as now, it was a question for the decision of the Senate, and not of the President. A bill of this character, however, ought to pass first under the consideration of the immediate representatives of the people. He refused leave to introduce this bill, because the constitution forbids that the first action on a bill of this character should be in the Senate. He had suggested, with a view to get rid of the difficulty, that the objectionable clause should be stricken out. The Senator from Kentucky had no especial favor for it; but the gentleman from Kentucky had not met his wishes. He would now, with a view to get over the difficulty, move to amend the motion for leave, by adding to it the words, "with the exception of those clauses which raise the duties on the articles named therein."

The CHAIR pronounced the motion to amend to be out of order.

Mr. CLAY said, that the clause which the Senator from Georgia wished to have stricken out was essential to the object of the bill. In the progress of the bill, the whole of its provisions, even the title, might be stricken out. He admitted that it was the practice to call all these bills revenue bills. This bill, however, might, with more propriety, be called a bill for the reduction of protection. In reference to the bill of the Senator from Missouri, it originated in this body, and contained an item raising the rate of duty; and it was on the question of the second reading that the President intimated a doubt whether it was in order.

He expressed his great regret that the Senator from Massachusetts did not view this measure in so favorable a light at this moment as he hoped that he would do on further examination of the bill. In reference to the dangers which surround the tariff, he would say, that he believed that there was a majority of the people of the United States decidedly in favor of protection in some form. Still he believed that, from some causes, which the gentleman from Massachusetts was as well informed of as himself, the system was at this moment exposed to very great danger. He concurred with his friend from Massachusetts in the opinion that these dangers might be temporary in their nature, and might be followed by a reaction, during which the tariff of protection might be revived. For one, he would say, without any affectation, that he felt himself to be growing old. He had seen enough of turmoil and strife; and if he could adopt any measure which would pacify the country, he would not trouble himself concerning what might be the effect of it some eight or nine years hence; but would take the present practical good, and remove that alienation of feeling which has so long existed between certain parts of this widely spread confederacy, so as to enable us to transmit to after-times the substantial blessings, as well as the name, of the glorious fabric of wisdom which our fathers bequeathed to us.

The call for the yeas and nays was then, with the assent of the Senate, withdrawn.

The question was then taken on granting leave to introduce the bill; and the bill having been read, as follows:

A bill to modify the act of the 14th July, 1832, and all other acts imposing duties on imports.

1. *Be it enacted, &c.* That, from and after the 30th day of September, 1833, in all cases where duties are imposed on foreign imports by the act of the 14th day of July, 1832, entitled "An act to alter and amend the several acts imposing duties on imports," or by any other act, shall exceed twenty per cent. on the value thereof, one-tenth part of such excess shall be deducted; from and after the 30th day of September, 1835, another tenth part shall be deducted; from and after the 30th day of September, 1837, another tenth part thereof shall be deducted; from and after the 30th day of September, 1839, another tenth part thereof shall be deducted; and from and after the 30th day of September, 1841, one-half of the residue of such excess shall be deducted; and from and after the 30th day of September, 1842, the other half thereof shall be deducted.

2. *And be it further enacted,* That so much of the second section of the act of the 14th of July, aforesaid, as fixes the rate of duty on all milled and fulled cloths, known by the name of plains, kerseys, or kendal cottons, of which wool is the only material, the value whereof does not exceed thirty-five cents a square yard, at five per cent. ad valorem, shall be, and the same is hereby, repealed. And the said articles shall be subjected to the same duty of fifty per cent. as is provided by the said second section for other manufactures of wool; which duty shall be liable to the same deductions as are prescribed by the first section of this act.

3. *And be it further enacted,* That, until the 30th day of September, 1842, the duties imposed by existing laws, as modified by this act, shall remain, and continue to be collected. And from and after the day last aforesaid, all duties upon imports shall be collected in ready money, and laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government; and, for that purpose, shall be equal upon all articles, according to their value, which are not by this act declared to be entitled to entry, subsequent to the said 30th day of September, 1842, free of duty. And, until otherwise directed by law, from and after the said 30th day of September, 1842, such duties shall be at the rate of twenty per cent. ad valorem; and, from and after that day, all credits now allowed by law in the payment of duties shall be, and hereby are, abolished: *Provided,* That nothing herein contained shall be construed to prevent the passage of any law, in the event of war with any foreign Power, for imposing such duties as may be deemed by Congress necessary to the prosecution of such war.

4. *And be it further enacted,* That, in addition to the articles now exempted by the existing laws from the payment of duties, the following articles, imported from and after the 30th day of September, 1833, and until the 30th day of September, 1842, shall also be admitted to entry free from duty, to wit: bleached and unbleached linens, manufactures of silk, or of which silk shall be the component material of chief value, coming from this side of the Cape of Good Hope, and worsted stuff goods, shawls, and other manufactures of silk and worsted.

5. *And be it further enacted,* That from and after the 30th day of September, 1842, the following articles shall be admitted to entry free from duty, to wit: unmanufactured cotton, indigo, quicksilver, opium, tin in plates and sheets, gum arabic, gum senegal, lac dye, madder, madder roots, nuts and berries used in dying, saffron, tumeric, woad or pastel, aloes, ambergris, Burgundy pitch, cochineal, camomile flowers, coriander seed, cutsup, chalk, coculus indicus, horn plates for lanterns, or horns, other horns and tips, India rubber, unmanufactured ivory, juniper berries, musk, nuts of all kinds, oil of juniper, manufactured rattans and reeds, tortoise shell, tin foil, shellac, vegetables used principally in dying and composing dyes, weld, and all articles employed chiefly for dying, except prussiate of potash, chromate of potash; aquafortis, and tartaric acids, and all other dying drugs, and materials for composing dyes.

6. *And be it further enacted,* That so much of the act of the 14th July, 1832, or of any other act as is inconsistent with this act, shall be, and the same is hereby, repealed: *Provided,* That nothing herein contained shall be so construed as to prevent the passage, prior or subsequent to the said 30th day of September, 1842, of any act or acts, from time to time, that may be necessary to detect, prevent, or punish evasions of the duties on imports imposed by law.

Mr. FORSYTH moved that the bill be now read a second time, with a view to its commitment.

This motion requires the unanimous consent of the Senate.

Mr. DICKERSON objected, on the ground that it was too important a bill to be hurried through its stages.

On motion of Mr. FORSYTH, the bill was ordered to be printed.

REVENUE COLLECTION BILL.

The Senate then proceeded to consider the bill to provide further for the collection of the duties on imports.

The question being on the motion of Mr. FORSYTH to strike out the 3d section of the bill—

After a few words from Mr. FORSYTH in defence of his motion,

Mr. KING moved that the Senate do now adjourn.

Mr. WILKINS asked for the yeas and nays, which being taken, stood as follows:

YEAS.—Messrs. Bibb, Brown, Calhoun, Kane, King, Miller, Moore, Poindexter, Rives, Smith, Tyler—11.

NAYS.—Messrs. Bell, Chambers, Dallas, Dickerson, Dudley, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Johnston, Knight, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Sprague, Tipton, Tomlinson, Webster, White, Wilkins, Wright—26.

Mr. **FRELINGHUYSEN** then made some observations against the motion to strike out.

Mr. **BIBB** spoke at some length in favor of the motion.

Mr. **POINDEXTER** moved that the Senate do now adjourn. Negatived—yeas 12, nays 25.

The debate was then continued further by Mr. **GRUNDY**, Mr. **KANE**, and Mr. **SPRAGUE**, against the motion, and by Mr. **FORSYTH** in favor of it.

The question was then taken on the motion to strike out, and decided as follows:

YEAS.—Messrs. Bibb, Calhoun, Forsyth, Moore, Poindexter.—5.

NAYS.—Messrs. Bell, Black, Brown, Buckner, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hill, Holmes, Johnston, King, Knight, Naudain, Prentiss, Rives, Robbins, Robinson, Ruggles, Sprague, Tipton, Tomlinson, Waggaman, Webster, White, Wilkins, Wright.—28.

On motion of Mr. **CALHOUN**, the bill, as amended, was ordered to be printed.

The Senate adjourned.

WEDNESDAY, FEBRUARY 13.

TARIFF RESOLUTIONS.

Mr. **WEBSTER** rose, and stated that, in pursuance of the notice which he had given yesterday, he wished now to lay on the table some resolutions, expressive of his opinions on the important subjects in relation to which a bill was presented to the Senate yesterday. He would now send the resolutions to the table, and request that they might be read. They would then come up for consideration to-morrow, when he should take an opportunity to make a short explanation of his views of them.

The resolutions were then read, as follows:

Resolved, That the annual revenues of the country ought not to be allowed to exceed a just estimate of the wants of the Government; and that as soon as it shall be ascertained, with reasonable certainty, that the rates of duties on imports, as established by the act of July, 1832, will yield an excess over those wants, provision ought to be made for their reduction; and that, in making this reduction, just regard should be had to the various interests and opinions of different parts of the country, so as most effectually to preserve the integrity and harmony of the Union, and to provide for the common defence, and promote the general welfare of the whole.

But, whereas it is certain that the diminution of the rates of duties on some articles would increase, instead of reducing, the aggregate amount of revenue on such articles; and whereas, in regard to such articles as it has been the policy of the country to protect, a slight reduction on one might produce essential injury, and even distress, to large classes of the community, while another might bear a larger reduction without any such consequences: and whereas, also, there are many articles the duties on which might be reduced, or altogether abolished, without producing any other effect than the reduction of revenue: Therefore,

Resolved, That, in reducing the rates of duties imposed on imports by the act of the 14th of July aforesaid, it is not wise or judicious to proceed by way of an equal reduction per centum on all articles; but that as well the amount as the time of reduction ought to be fixed, in respect to the several articles distinctly, having due regard, in each case, to the questions whether the proposed reduction will affect revenue alone, or how far it will operate injuriously on those domestic manufactures hitherto protected; especially such as are essential in time of war, and such, also, as have been established on the faith of existing laws; and, above all, how far such proposed reduction will affect the rates of wages and the earnings of American manual labor.

Resolved, That it is unwise and injudicious, in regulating imposts, to adopt a plan, hitherto equally unknown in the history of this Government, and in the practice of all enlightened nations, which shall, either immediately or prospectively, reject all discrimination on articles to be taxed, whether they be articles of necessity or of luxury, of general consumption or of limited consumption; and whether they be, or be not, such as are manufactured and produced at home; and which shall confine all duties to one equal rate per centum on all articles.

Resolved, That since the people of the United States have deprived the State Governments of all power of fostering manufactures, however indispensable in peace or in war, or however important to national independence, by commercial regulations, or by laying duties on imports, and have transferred the whole authority to make such regulations, and to lay such duties, to the Congress of the United States, Congress cannot surrender or abandon such power, compatibly with its constitutional duty; and therefore,

Resolved, That no law ought to be passed on the subject of imposts, containing any stipulation, express or implied, or giving any pledge or assurance, direct or indirect, which shall tend to restrain Congress from the full exercise, at all times hereafter, of all its constitutional powers, in giving reasonable protection to American industry, countervailing the policy of foreign nations, and maintaining the substantial independence of the United States.

On motion of Mr. **DALLAS**, the resolutions were ordered to be printed.

TARIFF BILL.

The bill to modify the act of the 14th of July, 1832, and all other acts imposing duties on imports, was read a second time.

Mr. **DICKERSON** moved to refer the bill to the Committee on Manufactures.

Mr. **GRUNDY** said he only wished to say one word; but before he sat down, he should move to make a different disposition of the bill. It was a measure introduced in a spirit of conciliation and harmony, with a view to the settlement of the dangerous collisions of opinions which exist between different sections of the country. He thought that there was no standing committee of the Senate exactly fit to take charge of the subject. With all respect for the Committee on Manufactures, he should move to refer the bill to a select committee, to consist of seven members, chosen from different sections of the Union--such a committee as would be deemed competent to take care of all the various interests of the Union. He would move the reference to a select committee of seven, and expressed his hope that the Senator from Kentucky [Mr. CLAY] would be placed at the head of that committee.

Mr. **CLAY** expressed indifference as to the committee to which the bill should be referred. He would be willing to send it to the Committee on Manufactures, with whom, he took pleasure in saying, he had always acted harmoniously, and for the members of which he felt so much personal respect; yet, for the reasons which had been urged by the gentleman from Tennessee, he considered that it would be most expedient to send the subject to the committee for which that gentleman had moved. This did not seem to be a measure for the benefit of any exclusive interest, but for the promotion of the general harmony. He concluded with seconding the motion for a select committee.

Mr. **DICKERSON** admitted that there was no standing committee which had been raised on the ground of compromise; but as he believed that it was a bill which would operate severely on the manufacturers, he thought that the modifications which might be thought necessary should come from the Committee on Manufactures. Any modification which would make it fall more lightly on that interest would come from that committee. The author of the bill was a member of the Committee on Manufactures, and could explain the character and operation of the bill. The committee, perhaps, entertained more fears of the measure than they ought to feel; and the gentleman from Kentucky might be able to show that such was the fact. He thought that the bill ought to go to the Committee on Manufactures.

Mr. **CALHOUN** expressed his gratification that the gentleman from Tennessee had made the motion, and that the gentleman from Kentucky had acquiesced in it. The subject belonged to no existing committee whatever. It was a project for restoring peace and harmony to the country; and he hoped that the motion for a select committee would prevail.

Mr. **GRUNDY** stated that he desired to put his motion on the ground that the bill did not look to any particular interest. The manufacturers were only to be considered in connexion with other interests. Why, then, should the bill be sent to that committee? This was a great question, looking far beyond any particular interest. It was destined to have a very great influence on the country, and he hoped it would be sent to a committee who would look beyond any particular interest.

Mr. **BUCKNER** expressed himself as opposed to a select committee. He gave full force to the arguments of gentlemen, that this was not a bill for the benefit of any particular interest, but he still thought that the manufacturers were entitled to be heard. He thought that the subject would be as well considered by the Committee on Manufactures as by a select committee. He thought that the bill would produce mischievous effects on the manufacturers. He said that he was willing to make great concessions to tranquilize the country. If the subject were to be sent to the Committee on Manufactures, the Senate would have the power to change the bill in any of its details. He was opposed to a motion, at the threshold, which would throw doubt on the ability or the impartiality of the Committee on Manufactures, which, for years, had had this subject under their control. He denounced a portion of the bill, as destructive to the interests of a portion of the people of Missouri.

Mr. **BELL** could not see any valid objection which could be set up to a select committee. He wished the bill to be examined with a disposition to compromise. It was proper that there should be a selection of the members of this committee from different sections of the country. If there was any prospect—and he feared there was not—of settling this agitating question in this way, he would not be willing to cloud it.

Mr. **KING** said he was in favor of the motion of the gentleman from Tennessee. There was a peculiar fitness in sending this question to a select committee. The standing committees were appointed with a reference to specific duties and interests. He wished to harmonize the conflicting interests in the country, and to settle this vexed question. He referred to a former case to show that this was a new case. He hoped there would be no serious objection to the motion.

Mr. **HOLMES** hoped that the bill would be sent to a select committee, made up from various parts of the country. He was glad the motion had been made by so good-natured a man as the Senator from Tennessee. That gentleman he believed to be the best natured man in the Senate, excepting himself.

Mr. **BENTON** thought it was unnecessary to send this bill to any committee. He stated some objections to the bill. He doubted whether there would be a majority in the next Congress opposed to a reasonable protection. This bill was based on the act of 1832. There were sixteen members of the Senate who opposed that bill because it was unconstitutional. If these Senators vote for this bill, they vote for that. Jonas was in the belly of the whale.

Mr. **MOORE** said a few words in favor of the motion for a select committee.

Mr. **DALLAS** said he was not now disposed to act on the bill as though he completely understood its provisions. There had been some resolutions laid on the table by the gentleman from Massachusetts, not now in his seat. They were very important, and might have an effect on the bill. Those resolutions would come up to-morrow, and he wished to hear the discussion before he gave his vote on this subject. He moved to lay the bill on the table.

The question was taken on the motion to lay on the table, and decided in the negative, as follows:

YEAS.—Messrs. Benton, Buckner, Chambers, Dallas, Dickerson, Dudley, Hendricks, Knight, Robbins, Smith, Tipton, Wilkins, Wright—13.

NAYS.—Messrs. Bell, Black, Calhoun, Clay, Clayton, Foot, Forsyth, Frelinghuysen, Grundy, Hill, Holmes, Johnston, Kane, King, Moore, Naudain, Poindexter, Prentiss, Rives, Robinson, Seymour, Sprague, Tomlinson, Tyler, Waggaman, White—26.

The question then recurred on the motion to refer the bill to the Committee on Manufactures, which was taken, and decided as follows:

YEAS.—Messrs. Buckner, Dallas, Dickerson, Dudley, Frelinghuysen, Hendricks, Knight, Prentiss, Robbins, Smith, Wilkins, Wright—12.

NAYS.—Messrs. Bell, Black, Calhoun, Chambers, Clay, Clayton, Foot, Forsyth, Grundy, Hill, Holmes, Johnston, Kane, King, Moore, Naudain, Poindexter, Rives, Robinson, Seymour, Sprague, Tipton, Tomlinson, Tyler, Waggaman, White—26.

The bill was then referred to a select committee.

CUMBERLAND ROAD.

The act for the continuation of the Cumberland road from Vandalia, in the State of Illinois, to Jefferson, in the State of Missouri, was read a third time.

Mr. **FOOT** asked for the yeas and nays upon its passage, which were ordered, and stood as follows:

YEAS.—Messrs. Benton, Buckner, Dallas, Dickerson, Dudley, Ewing, Frelinghuysen, Hendricks, Johnston, Kane, Poindexter, Robbins, Robinson, Tomlinson, Waggaman, Webster—16.

NAYS.—Messrs. Bell, Black, Foot, Hill, King, Knight, Moore, Naudain, Prentiss, Rives, Smith, White—12.

So the bill was passed.

ELECTION OF PRESIDENT.

A message was received from the House of Representatives, by Matthew St. Clair Clarke, their clerk, stating that the House was ready to proceed to the counting of the votes given for President and Vice President, and were waiting to receive the Senate.

Mr. **GRUNDY** then moved that the Senate proceed to the House of Representatives, for the purpose of performing the duties referred to in the message; which motion having been agreed to,

The Senate, preceded by the President *pro tempore*, attended the hall of the House of Representatives; and, after having performed the duties which called them there, returned, at twenty minutes past two o'clock, to their seats in the Senate; when

Mr. **GRUNDY** offered the following resolution, which was considered and adopted:

Resolved, That a committee of one member of the Senate be appointed, to join a committee of two members of the House of Representatives, to be appointed by that House, to wait on Andrew Jackson, of Tennessee, and to notify him that he has been duly elected President of the United States for four years, commencing on the fourth day of March next; and, also, to notify MARTIN VAN BUREN, of New York, that he has been duly elected Vice President of the United States for four years, commencing on the fourth day of March next.

EVENING SESSION.

After a recess of two hours, the Senate reassembled at five o'clock; shortly after which, a quorum not being present,

Mr. WILKINS rose and said, that as he was quite in earnest when he had moved for the recess, in order that the business of the Senate might be proceeded with, he would now move that such Senators as were absent be sent for.

Mr. FORSYTH hoped the Senator from Pennsylvania would not press his motion; but a few minutes had yet elapsed, and he had no doubt but that the Senators would soon appear in their places. A motion of this description, he conceived, should never be had recourse to, but as a dernier resort; and he, therefore, hoped the gentleman would withdraw his motion.

Mr. WILKINS expressed his assent, and the motion was accordingly withdrawn.

SPECIAL ORDER.

On motion of Mr. WILKINS, the Senate then took up the bill further to provide for the collection of the duties on imports.

Mr. BIBB said, that it was not his wish then to touch on the general merits of the bill. He would divide the provisions of the bill, however, into two parts; military and civil. With regard to what he classed as the civil point, he would say, that he had no objection to give to the Judiciary more than ordinary powers, to meet any extraordinary exigencies that might arise; he was willing to do this by all acts that were constitutional. But, when he had said this, he was compelled to express his opinion that the third section exceeded this bound, and that it was unguarded, and too wide-spreading in its provisions. These provisions required to be amended, to bring them within the constitutional limits of this Government; and, with the object of guarding the constitution, we ran the risk, by these clauses, as they now stood, of breaking the constitution itself. In his opinion, prudence, caution, and great deliberation were necessary, lest a political spirit should hurry both parties into the adoption of measures that might hereafter become precedents, which they might not ever be able to get rid of. He would now declare, explicitly, that he was prepared, so far as regarded proper judicial powers, to vote for them, if left unconnected with the military powers. He was not, at that moment, ready to submit propositions to make the amendments necessary to his view; but he would appeal to the chairman of the committee, if he had not, on more occasions than one, and in the most friendly spirit, requested of that committee that they would turn their best attention to these clauses, as requiring amendment? He would entreat further time, either for himself or others who were disposed to do what the constitution would permit, in order to submit propositions to amend these sections. For himself, he had not had sufficient time to devise what he might consider a safe and secure mode to remove cases of a certain nature to different tribunals; or what might be necessary still further to provide for a supervisory power in the federal courts over State enactments. He therefore asked that the bill should not be hurried out of committee, but that it might still remain subject to those amendments which might go to support the Judiciary. He had, it was true, been requested by a gentleman who was acquainted with legal pursuits, that he (Mr. B.) would turn his attention, in order that, from the experience he might have derived from his professional avocations, he would endeavor to propose such an amendment as might be sufficient and constitutional; that would possess the golden mean; that would steer clear of Scylla on the one side, and Charybdis on the other; and so that all due power might be given to the Federal Government, without entrenching on the rights of the States. Though late and arduously engaged, his various avocations had not yet permitted him that time; and hoping that the bill might not be taken out of committee, he would conclude by moving that the question be postponed and made the special order for to-morrow.

Mr. GRUNDY said, that if it were understood that the debate which had been progressing for some time past were to be considered at an end, he would have no objection to the postponement; but he thought this could not be the case, and that the Senator from Kentucky [Mr. BIBB] would have ample time to propose his propositions. With regard to the peculiar provisions which had been objected to, he must say, that the committee have now put them into such shape that they are prepared to meet the decision on them without further change. He was for assisting the General Government to meet the present exigencies, and he was not willing to vote for the postponement.

Mr. BIBB said it was not his intention to prevent the debate from proceeding; and if any gentleman wished to address the Senate, he was willing to withdraw his motion.

Mr. MOORE expressed his intention of recording his sentiments on the measure; but not thinking that the discussion was about to come to a close, he did not feel himself sufficiently prepared to proceed at that moment. He was of opinion that much more time would yet be occupied before the discussion was concluded; others besides himself would have something to say, and he would therefore move that the Senate do now adjourn.

Mr. WILKINS opposed the motion, and asked for the ayes and noes.

Mr. MOORE replied, that when such was the mode about to be adopted, he was quite willing then, unprepared as he was, to give his views. He was unwilling that the Senate should be harassed by the system that had been carried into operation, of calling the ayes and noes, on his account.

Mr. WILKINS said he did not know whether the allusion had been to him of harassing the Senate, but as regarded himself he cared but little for the opinion that had been expressed; he was only discharging his duty, and—

There were here cries of order, when

Mr. BIBB rose, and said he would now, on his own part, renew his former motion for postponement.

Mr. WILKINS asked for the ayes and noes.

Mr. KING said he was unwilling to trespass on the Senate; but in the remarks he was about to make, he was actuated by a true desire to bring the subject to a close. One of their body appeared not to know that by pressing the question onward was not the best mode to obtain his object. There could be nothing gained by such a course; remove the question from the committee, it would be equally open to continue the discussion. He (Mr. K.) was desirous that his colleague [Mr. MOORE] should have a fair hearing, and he hoped that every member would have an opportunity to deliver his sentiments or offer amendments at his will.

Mr. WILKINS hoped it would now be in order for him to explain the course he had hitherto pursued. He conceived he had only done his duty. It must be admitted that the present was the most important measure that could be brought before them; and therefore did he think it should not be put off by unnecessary delay. It was three weeks since the bill had been first reported; it had been under debate for a fortnight; and how did it come, he would ask, that those gentlemen who would proclaim themselves as the only patriots to save the country, are still unprepared, are still desirous of delay? Why is it that those who are opposed to this measure, whenever it comes up, are raising those delays? Motion follows motion to adjourn, to postpone, to lay on the table. Why not meet it at once in a proper spirit? The allegation of gentlemen not being yet prepared, he was not willing to admit; he himself had been constrained to occupy the floor some days when he was equally unprepared; but he was willing to pursue his course; and, prepared or unprepared, discharge his duty to the best of his ability. As regarded the objection raised by the Senator from Kentucky [Mr. BIBB] to the judiciary clauses, and the opinion advanced of the removal of criminal prosecutions from the State courts being unconstitutional, let that gentleman make a motion at once to strike out the provision, and this would bring up the question. As regarded the gentleman from Alabama, [Mr. MOORE,] as he (Mr. W.) was not aware of that gentleman's intention to address the Senate, it could not be supposed that he had any desire to embarrass him. He was under the impression that another gentleman, a Senator from Virginia, [Mr. RIVES,] would occupy the floor.

Mr. BIBB, after a few remarks in reply, moved to postpone the further consideration of the bill, and to make it the special order for to-morrow, in order to afford him time to examine the third section more at his leisure.

The yeas and nays being ordered on this question, it was decided as follows:

YEAS.—Messrs. Benton, Bibb, Calhoun, King, Miller, Moore, Poindexter, Tyler.—8.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dudley, Dickerson, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, Naudain, Robinson, Robbins, Ruggles, Seymour, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, White, Wilkins, Wright.—30.

Mr. MOORE then rose to make a few remarks on the bill. He said he rose with no hypocritical pretence of an extraordinary attachment to the Union. As members of this body, said he, we have all sworn to support the constitution, and I concede to each as earnest a desire to fulfil this duty as I know that I myself feel. I, sir, am proud to be an American citizen; I am proud to be a citizen of the State of Alabama; I am proud of the honor of a seat in this Senate. But much as I prize this name, and proud as I am of the honor assigned to me by the partiality and indulgence of my fellow-citizens, I should be false to them, to their interests, and to myself, if I could permit this bill to become a law without having done all in my power to prevent it.

Much has been said about the course which South Carolina has adopted. I do not feel called upon to defend either her principles or her action; that task will be performed by those to whom she has assigned that duty.

In my opinion this bill presents another issue, which involves directly the rights, the interests, and the liberty of my constituents. It proposes to clothe the President of the United States with dictatorial and discretionary powers. It does more; it proposes to place the issue of civil war upon the discretion of a captain of a revenue cutter, the caprice of a young lieutenant fresh from school, or the folly of a tide-waiter.

It makes the President of the United States a national dictator, and converts the agents who may be intrusted with the execution of his supreme discretion into petty chieftains, who are required to trample upon the judicial authorities of the States. You see it places the military above the civil authority, and substitutes a military despotism for the peaceful administration of the laws.

But we are told by the honorable chairman of the committee who reported this bill, [Mr. WILKINS,] that "we may safely intrust these extraordinary powers to the hands of Andrew Jackson, because he assures us Andrew Jackson never has abused power." I congratulate the honorable gentleman upon the extent of his faith. It is at least equal to "the grain of mustard seed," and it may yet accomplish miracles. The honorable gentleman should remember that this bill proposes to authorize the President to transfer these extraordinary powers to his agents. Great as the President is, powerful as we all know him to be, he must employ agents to execute his will; and it necessarily follows that that discretion with which you clothe the President must be by him transferred to his agents, to the commanders of his army and his navy, to the collectors of the revenue, to his marshals and his bailiffs. I am not disposed to make a question with the gentleman about his faith in the President; but I would ask him, are you prepared to grant such powers on the faith which you repose in such agents as these? But, sir, away with such solemn trifling. I consider this a question of liberty, and not of faith; and I can assure him, that if his constituents, the free laborers, of which we have heard so much, permit their representatives to bring their liberties as a faith offering, a propitiation to conciliate the good will of the President, those of whom I am an unworthy representative place theirs above all price. Sir, the people of Alabama are as much devoted to this Union, as established by our fathers, as the people of any other State can be; they are devoted to the Union, but they are devoted to it, not as the means of oppression, not as the source of civil war, but as the palladium of liberty. I have said, sir, that I am not called upon to defend either the principles or the action of South Carolina. I have said that this bill makes another issue, which involves directly the rights, interests, and liberty of my constituents. The gentleman tells us about the free labor of the North; and they tell us that they never will consent that this free labor of the North shall be reduced to the same condition as the slave labor of the South. Do gentlemen forget that there are free laborers in the South as well as in the North? Do gentlemen forget that the object of this constitution and of our Union was to secure equal rights, peace, and happiness to all our citizens? If they concede this, (and none will be so lost to all sense of propriety as to deny the truth of the assertion,) what right has the free laborer of the North to demand that his labor shall be protected at the expense of the free labor, or even the slave labor of the South? Yes, sir, I say of the slave labor of the South. For, sir, with us, labor is labor; it matters not whether it be of the slave or of the free, of the bondsman or his master; in fact, there can be none in theory, but in the minds of those hypocritical pretenders in philanthropy, who would emancipate our slaves under the pretence that "all men are born free and equal," and butcher their masters with mercenary bayonets; but as the gentleman from Pennsylvania who spoke last [Mr. DALLAS] does not like the word mercenary, I will say the bayonets of power; because we insist that it never was intended by the framers of the constitution to tax the slave labor of the South for the purpose of protecting "the free labor of the North." Your northern gentlemen have a holy horror at holding a fellow-creature in bondage, but they feel no horror at the idea of sending an army to compel the owners of these slaves to pay over all the profits of these slaves into the pockets of the northern manufacturers and capitalists. They consider slavery a most heinous offence against God and man; yet they call upon us, in the name of all that is dear in religion and morals, to authorize them to overrun South Carolina with fire and sword, unless she will pay over to them the profits of her slave labor. Or, in other words, they are too pious, too benevolent, to own slaves themselves; but they ask us very modestly, sir, to convert the owners of slaves in South Carolina into their overseers, superintending cotton fields and rice plantations for their benefit.

Yes, Mr. President, disguise this matter as you will, this is the question. We have long seen the tendency and object of the tariff policy. We deny your right to protect the free labor of the North, at the expense of the slave labor of the South. With us there is no distinction between the labor of the slave and the labor of the free, of the bondsman and his master.

The God of nature, nor the constitution, which alone has the right to determine what shall be law upon this subject, has made no distinction, and we will not permit this Government to do it; to yield such a power would be to permit the free laborers of the North to convert the masters of our slaves into the slaves of northern masters. And it is because I believe the bill involves this question, and because I know the people of Alabama have a common interest with the people of South Carolina in resisting this oppression, that I am opposed to this bill.

We hear gentlemen loud in the praises of the constitution, vociferous in their professions of attachment to the Union. I can tell them, nay, they have been told again and again, how they can maintain the constitution, and preserve the Union. Reject this bill, and modify the tariff; do justice, and the necessity for force will cease.

But some gentlemen seem to think they must support the President. I can understand why the Senators representing manufacturing States, and particularly those who never had any constitutional scruples upon the question of power, should support this bill. Although we are told this measure originated with the Executive, I can find no apology in that suggestion, which could justify me, as a Senator representing a Southern State--yes, sir, 'a slave-holding, anti-tariff State—if I were so far to sacrifice their interest as to vote for this bill. I know, sir, that the President has a commanding popularity among my people; the honest, unsuspecting planters and laborers of Alabama gave him their confidence when he was a plain unpretending planter like themselves. But they voted for Andrew Jackson to be the President of a free people, subject to all the restraints of the constitution; they did not expect that he would ask to be clothed with dictatorial powers, much less that he would march at the head of a standing army for the purpose of enforcing, at the point of the bayonet, the collection of odious, unjust, unequal, and unconstitutional taxes.

But I warn gentlemen to pause. Who is it that are now so anxious to clothe the President with these new, undefined powers? Are they not his old enemies? Are they not his late opponents? But, sir, I give them my thanks. I am the representative of a brave, generous, and, therefore, a confiding people. Yet, there are in Alabama, as there are in all other States, "waiters upon Providence"—men whose highest ambition it is to worship power.

The policy of our adversaries has been to purchase these false guides, and weaken our resistance by internal dissensions.

If gentlemen will disregard all our entreaties; if, instead of claiming the promise made the peacemakers, they still persist in the exercise of injustice and oppression; if, instead of reducing the duties and giving us peace, harmony, strength, and brotherly love, they force upon us this bill, they will do us one favor, they will force us to be united; they will unbind the eyes of our people; they will then see who it is that "have sung peace, peace, when there was no peace." I again would say to those gentlemen who suppose they are to reap a golden harvest of profit or of honors from this measure, "You may have the power to pass your bill through this House; you may have the physical strength and the same generous majority by which you have passed your tariffs; but you cannot enforce it. I defy you, with all the sycophants, hirelings, and office-seekers now waiting for command. You may sweep the streets of your cities, and empty your workshops and manufacturing establishments; at this enlightened hour, and in this free country, you cannot enforce it. We know our rights, and, knowing them, dare maintain and defend them."

The committee rose and reported the bill as amended; and the amendments were concurred in.

Mr. POINDEXTER expressed a hope that the final decision would be postponed for a day longer; and

On motion of Mr. CALHOUN,

The Senate adjourned.

THURSDAY, FEBRUARY 14.

ELECTION OF PRINTER.

The resolution fixing the election of a public printer for Friday was then taken up for consideration.

Mr. BENTON moved to lay the resolution on the table for the present. He reminded the Senate that he had introduced a resolution to alter the time for this election. That resolution had gone to the Library Committee, and, until the report of that committee should be made, he hoped this resolution would not now be acted on. He withdrew his motion at the request of

Mr. CHAMBERS, who stated that the House had fixed on 12 o'clock this day for the election of a printer. Consequently, the resolution of the Senator from Missouri was too late to have any effect on the election of the next printer.

Mr. BENTON said, that if this resolution were now to be acted on, he should feel bound to offer at length the reasons which had induced him to introduce his joint resolution. He renewed his motion to lay the resolution on the table.

The motion was then agreed to—yeas 19, nays 12.

TARIFF RESOLUTIONS.

The Senate then proceeded to consider the resolutions offered yesterday by Mr. WEBSTER.

Mr. WEBSTER said, that it had been for some time his wish, on this most interesting subject, to express his own opinions, as briefly as possible, in the form of resolutions, and to follow up those resolutions with a few remarks. It would be agreeable to him to go on at once in the performance of this task, were it not for the standing order which required that the special order shall be called every day at 12 o'clock. As he did not wish to interfere with the important discussion which would commence at that hour, if the gentleman who proposed to occupy the floor to-day on that subject was now ready to proceed, he would postpone what he had to say on the subject of his resolutions until to-morrow.

Mr. FORSYTH suggested that the Senate would be glad to listen to the gentleman from Massachusetts at this time, even if he should transcend the hour for the calling of the special order.

Mr. CALHOUN said he would conform himself, in this instance, to the convenience of the Senator from Virginia who was expected to occupy the floor.

Mr. RIVES stated that he was entirely in the hands of the Senate. He was prepared to proceed with his remarks now, if such was the pleasure of the Senate, or to suspend them until after the Senator from Massachusetts should have been heard.

On motion of Mr. CHAMBERS, the resolutions were then laid on the table.

REVENUE COLLECTION BILL.

The Senate then proceeded to the consideration of the special order, being the bill to provide further for the collection of the duties on imports.

Mr. RIVES, of Virginia, then rose and addressed the Senate, as follows:

Mr. President: Stranger as I am in this body, and now almost a stranger in my own country, though in spirit and affection never separated from it, I feel that I owe an apology to the Senate for obtruding myself at all upon its attention. Sir, I do it with great reluctance, and with a deep sense of the disadvantages under which I labor. Most of the questions involved in the discussion of the bill now under consideration have sprung up during the period of my absence from the country; and the short interval which has elapsed since my return has afforded me neither the time nor the opportunity for a detailed examination of them. I bring to them, therefore, no other resources of argument or illustration than those settled principles and fundamental notions which are rooted in the mind of every American citizen, in regard to the constitution of his country.

Sir, the questions now to be settled are of the deepest import to the destinies of this country. They touch not the construction of this or that clause of the constitution only; they go to the whole frame and structure of the Government, and the vital principle of its existence. Sir, I should be recreant to my duty on this floor, as the representative of a State which, under Providence, had the chief agency in the establishment of this happy system of Government, if I did not attempt, however feebly, the expression of my views on such an occasion.

I am impelled to this expression, Mr. President, by another consideration. It is my misfortune to differ from my worthy and honorable colleague, as well as from other honorable Senators coming from the same quarter of the Union as myself, in several of the views I have taken of this subject. It is due to them, as well as to myself and those whom we represent, that the grounds of this difference of opinion should be stated and explained. And, in order to preclude all misapprehension, I beg leave to say, in the outset, that no one is or has been more thoroughly opposed to that whole system of policy usually denominated the American system than I have been, and still am. My voice, sir, has been often and strenuously, however ineffectually, raised against it in another division of this Capitol. I consider it unjust in principle, inexpedient in practice, oppressive and unequal in its operation—in short, an abuse of power contrary to the true genius of our institutions.

But, sir, what is entitled to far more consideration, the State which I have the honor in part to represent has repeatedly and strongly protested against this system; and it is but yesterday that her Legislature earnestly renewed her appeal to the councils of the nation so to modify the system as to remove the just causes of complaint which had arisen against it. Sir, this appeal, and similar appeals which have emanated from the Legislatures of other States, fortified by all those high considerations of patriotism, policy, and justice, which the crisis suggests, cannot fail to have their proper effect. There is every reason to believe that this distracting question will be settled, and speedily and satisfactorily settled, as it ought to be. But, notwithstanding these grounds of hope, one of the States of the Union has rashly undertaken to redress her griefs by a formal abrogation of the laws of the United States within her limits. She has declared the whole series of revenue laws, from the origin of the Government to the present day, to be null and void; has prohibited their execution within her borders, under high penalties; and has ordained various other measures with the express view of defeating and arresting their operation.

In this state of things, we are called upon to say if the Government of the United States shall acquiesce in this open defiance and violation of the laws of the Union, without taking any step whatever for their enforcement? For myself, I am free to say that I do not thus read my oath to support the constitution of the United States. I do not thus understand my duty to my country, or the interest and the honor of my own State. What, sir, will be the consequence, if South Carolina be permitted, without opposition, to nullify the revenue laws of the Union? Will not that uniformity of imposts, and that equality in the fiscal and commercial regulations of the Union, which are guarantied by the constitution, be at once abolished by the arbitrary act of South Carolina, to her own advantage, and to the detriment of the other States? Sir, as a representative of Virginia, I am not willing that Virginia shall be compelled to pay taxes, while South Carolina, by her own illegal and unauthorized action, is suffered to go quit of them. Yet this must be the unjust consequence of acquiescence in nullification; or, otherwise, a result still more distressing to the whole country will ensue—the entire commerce of the country will be drawn to the free ports of South Carolina; the ports of the other States, with all the important branches of industry connected with them, will be consigned to ruin; and, at the same time, the whole revenue of the nation will be cut off and destroyed.

Bad as these consequences, or any of them, may be, there is yet another view of the subject of still higher importance. The example would inflict a mortal wound on the constitution. The Government would be thenceforward virtually dissolved, and we should inevitably fall back into the anarchy and confusion of the articles of confederation; if, indeed, after such an example of weakness, the States should continue connected by any tie whatever.

For one, therefore, I feel myself constrained, by the highest considerations of duty, to give my assent to such measures as may be necessary and proper to provide for the execution of the laws, while they remain unrepealed. There are some provisions in the bill now under consideration of which I do not approve, as I shall have occasion to say more fully when I come to explain my own ideas of the legislation best adapted to meet the crisis. But we are met at the threshold with a preliminary denial of the right of the Government to adopt any measures whatever for the execution of a law of the United States which shall have been nullified by the authorities of a State. This position has been maintained by both the honorable Senators from South Carolina, and especially by the honorable Senator who spoke first, [Mr. Calhoun,] in the remarks made by him at the time of submitting his resolutions which are now lying on your table.

How, sir, has this extraordinary position been attempted to be sustained? One would have supposed that a power so radically affecting the whole operation of our system as an absolute State veto of the laws of the Union, would have been in some form or other expressed in the constitution. Instead of this, we find an express declaration that the constitution and laws of the United States shall control and be supreme over the constitution and laws of the respective States. Yet the honorable Senator [Mr. Calhoun] seeks to do away all this, by setting up the metaphysical deductions and ingenious creations of his own mind in the place of the positive terms of the instrument itself. Sir, I propose to follow the honorable Senator, step by step, in the process of reasoning by which he has attained so singular a result. And, as I am anxious to deal with his argument in all possible fairness, I will first state what I understood that argument to be, in order that, if I shall have fallen into a misapprehension of any part of it, the honorable Senator may set me right.

I understand the honorable Senator, then, thus: After stating that the problem is to ascertain where the paramount power of the system is, and that that power must be where the sovereignty is, he proceeds by saying that the constitution of the United States is a compact between the several States; that these States only are sovereign; that the Government of the United States is not sovereign, because, according to the principles of modern political science, sovereignty is not the attribute of any Government; that it resides in the people; that the only people known to the true theory of our institutions is the people of the several States, distinctly; that if the people of any one State in the Union, therefore, shall, in its sovereign capacity, interpose between its citizens and the Government of the United States, the act of a sovereign being always binding on its citizens, the citizens of that State can no longer owe obedience to the Government of the United States, or be properly subject to its action; but that if the act of the State, so absolving its citizens from obedience to the United States, be a violation of the compact with the other States, it is the State only as a political community that is responsible. I hope, sir, I have stated the reasoning of the Senator fairly, as I have wished and intended to do.

Now, sir, in regard to the first proposition laid down by the honorable Senator from South Carolina, [Mr. CALHOUN,] it gives me pleasure to say that I am entirely of accord with him. Here we draw our principles from the same pure fountain—the republican doctrines of '98 and '99, as asserted at that time by the Legislature of my own State. If there be any thing in politics or history resting on grounds of incontrovertible evidence and conclusive demonstration, it is that the constitution of the United States was adopted by the people of the United States, not as an aggregate mass of individuals, but as separate and independent communities. This, sir, is the foundation-stone of our federal system; and every attempt to displace it has resulted in acknowledged failure, and has only served to establish it the more firmly.

But, sir, are the other propositions of the honorable Senator [Mr. CALHOUN] equally true? Is it true, that there is no other sovereignty, known to our political system, than that which resides in the people of each State distinctly? And here, sir, as the chief source of difficulty in all discussions of this sort is in the vague use of terms, let us fix what we mean by sovereignty. The elementary idea of sovereignty is that of supreme, uncontrolled power; and when applied to political organizations, I agree with the honorable Senator from South Carolina, [Mr. CALHOUN,] that it cannot, with propriety, be predicated of Government, which is a delegated and limited trust, but that it resides exclusively in the body of the community, which creates and establishes the Government. I readily grant, then, that the Government of the United States possess no sovereignty. The honorable Senator [Mr. CALHOUN] seems to have supposed that, this being admitted, it would necessarily follow that the only sovereignty known to our political system is in the people of each State distinctly, there being, as he contends, no other people, according to its true theory, than the people of the several States, separately considered. But, sir, this argument obviously overlooks the peculiar nature of our complex organization, which embraces two distinct species of communities; the separate communities, called the States, formed by the individuals who compose those States respectively; and the general community, called the United States, formed by the association of all the States into a political Union. There is one body politic or community as clearly resulting from the association of States in the one case, as there is such body politic or community resulting from the association of individuals in the other. In the body of the community, the sovereignty of each system resides; that of the federal system, in the community called the United States; that of the State systems, in the body of the community called the State. You will remark, Mr. President, that I here speak of the United States, as contradistinguished from the Government of the United States; and I contend that the term United States, as used in our political nomenclature, designates one body politic, one integral community, (although a community composed of States,) in which sovereignty resides, as to certain purposes, as truly as it resides in the States, or several communities composed of individuals, for the purposes of their organization.

I should not think it necessary, Mr. President, to dwell on an idea, which, to my mind, is so obvious, if I did not know that the suggestion of any unity in our federal organization had recently given rise to such dissatisfaction, and if we did not live in times when the best settled principles have been boldly called in question. It may not be amiss, therefore, to bring a few proofs to the support of what I have ventured to assert—that the United States do form, to certain purposes, one community, one integral political body. We are all agreed that the United States form a confederate republic. Now, sir, what is the definition of a confederate republic, by that writer, who, among the political philosophers of modern times, seems to have best understood its characteristics, and to have most justly appreciated its advantages? Montesquieu says, "A confederate republic is a convention by which several smaller States agree to become members of a larger one, which they intend to form. It is a kind of assemblage of societies that constitute a new one," &c. The writers of the Federalist, in the 9th number, referring to what Montesquieu says on this subject, add, "The definition of a confederate republic seems simply to be 'an assemblage of societies,' or an association of two or more States into one State."

But, sir, let us appeal to a distinguished authority which is often invoked by the politicians of South Carolina, and for which I challenge a portion of their respect, on the present occasion. Mr. Jefferson, sir, in a letter to Mr. Edmund Randolph, which will be found in the 3d volume of his published correspondence, written on the 18th August, 1799, in the very crisis of that great struggle for constitutional principles which terminated in the "civil revolution" of 1801, and when he must be supposed to have weighed well all the bearings of his words, uses the following language: "Before the revolution, there existed no such nation as the United States; they then first associated as a nation, but for special purposes only. They had all their laws to make, as Virginia had on her first establishment as a nation. But they did not, as Virginia had done, proceed to adopt a whole system of laws ready made to their hand. As their association as a nation was only for special purposes," &c.

Sir, it would be easy to show, if the time of the Senate were not too precious to be consumed in unnecessary discussion, that the recognition here made of the United States as forming one nation, for certain purposes, is of particular weight, from the nature of the question which Mr. Jefferson was then discussing, and which would have rendered his course of argument much shorter and simpler, if he could have denied altogether the existence of any national individuality in the United States.

But, sir, without insisting on the particular weight of Mr. Jefferson's authority, in this view of it, I would ask if the same language has not been habitually used by all our great men who were contemporary with the formation of the constitution, and with the vital questions of construction to which the first ten years of its operation gave rise? We all remember, Mr. President, that General Washington, in that noble monument of patriotism and wisdom, his farewell address, speaks of the "unity of Government which constitutes us one people," and of the States as bound together by "an indissoluble community of interest as one nation." Mr. Madison, than whom certainly no higher authority can be appealed to, in regard to that constitution which is the workmanship of his own hands, thus writes in his letter to the editor of the North American Review: "The constitution of the United States, being a compact among the States in their highest sovereign capacity, and constituting the people thereof one people for certain purposes, cannot be altered or annulled at the will of the States individually, as the constitution of a State may be at its individual will."

But why add to this list of distinguished authorities, further than to cite the authority of the honorable Senator from South Carolina himself? In his letter to Governor Hamilton, published during the last summer, I find the following passage: "The General Government is the joint organ of all the States confederated into one general community." And again: "In the execution of the delegated powers, the Union is no longer regarded in reference to its parts, but as forming one great community, to be governed by a common will," &c.

If, then, the United States do form "one community, governed by a common will," sovereignty may and does exist in the body of that community, for the special purposes of the Union, just as effectually and unquestionably as sovereignty exists in the people of an individual State, for State purposes. My answer, then, and I flatter myself a conclusive one, to the argument of the honorable Senator, is, that the sovereignty of our federal system is neither in the Government of the United States, nor in the people of the individual States separately considered, but in that "great community" or body politic, called the United States, resulting from the association of all the States for special purposes. Mr. Jefferson, in the letter to Mr. Randolph from which I read the extract cited a few moments ago, says, very properly, that "the whole body of the nation" or community "is the sovereign power for itself."

There is a practical criterion, of very easy application in our American institutions, for determining where sovereignty resides. Sovereignty resides where the power of amending the constitution or fundamental law resides. In a single State, this power resides in the people of the State; and, of course, the sovereignty resides in them also. In the Union, this power resides in the federal community composed of all the States; and, according to an express provision in the constitution, requires for its exercise the concurrence of three-fourths of the States. According to this plain practical test, then, the actual sovereignty of the Union is in three-fourths of the States.

Here, again, I am happy to fortify myself by an authority, which, if not that of the honorable Senator himself, as it is generally understood to be, must at least command his very high respect. I allude to the report and exposition adopted by the Legislature of South Carolina in December, 1828. From that document I beg leave to read to the Senate the following extract:

"Our system, then, consists of two distinct and independent sovereignties. The general powers conferred on the General Government are subject to its sole and exclusive control, and the States cannot, without violating the constitution, interpose their authority to check or in any manner counteract its movements, so long as they are confined to its proper sphere; so also the peculiar and local powers reserved to the States are subject to their exclusive control, nor can the General Government interfere with them, without, on its part, also violating the constitution. In order to have a full and clear conception of our institutions, it will be proper to remark that there is in our system a striking distinction between the Government and the sovereign power. Whatever may be the true doctrine in regard to the sovereignty of the States individually, it is unquestionably clear that, while the Government of the Union is vested in its legislative, executive, and judicial departments, the actual sovereign power resides in the several States, who created it, in their separate and distinct political character. But, by an express provision of the constitution, it may be amended or changed by three-fourths of the States; and each State, by assenting to the constitution with this provision, has surrendered its original rights as a sovereign, which made its individual consent necessary to any change in its political condition, and has placed this important power in the hands of three-fourths of the States, in which the sovereignty of the Union, under the constitution, does now actually reside."

Here, then, Mr. President, we have a distinct acknowledgement, in accordance with the principles I have laid down, that the sovereignty of the federal system is not in the people of any one of the States, acting separately, as the honorable Senator now contends, but in three-fourths of the States, acting concurrently. The honorable Senator has told us that the paramount power of controlling the General Government must reside where the sovereignty of the system resides. The problem stated by him was to ascertain where that power does reside, and is here conclusively solved by his own State, in a solemn exposition drawn up by himself. The plain result is, that the paramount or sovereign power is not in the people of any one State, but in three-fourths of all the States.

This important document, also, in acknowledging that there "are two distinct and independent sovereignties" in our complex organization, recognises the correctness of another of the positions I have laid down—that there is sovereignty in the United States, in regard to the purposes of the Union, as well as sovereignty in the several States, for State purposes. It has become fashionable, of late, to deny that there is any sovereignty in the United States, (I speak, of course, of the United States as a political community, and not of the Government of the United States,) and to claim for the States, separately, an absolute, complete, and unqualified sovereignty, to all intents and purposes whatever. Sir, this is a novelty unknown to the founders of the constitution, and has sprung up in the hotbed of excited local politics. At the period of the adoption of the constitution, it was distinctly made known, and universally understood, that to the extent to which sovereignty was vested in the Union, that of the States severally was relinquished and diminished. What is said, sir, by the convention which framed the constitution, in communicating their work to Congress to be submitted to the people? The following unequivocal language is held in the letter addressed by the convention to Congress, on that occasion, and signed by General Washington, as president of the convention: "It is obviously impracticable, in the Federal Government of these States, to secure all the rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest," &c. Let not any attempt be made to lessen the weight of this declaration by representing it as the expression of the individual sentiment of General Washington, by whom the letter was signed. The draught of the letter was carefully prepared, under the orders of the convention, by the same committee which was charged with giving the final shape to the constitution itself; and both were sanctioned and adopted by the convention, at the same time. It was, then, the solemn explanation of their own act by the convention themselves, made known to the people, and understood by them, when the States ratified and adopted the constitution.

But, sir, let us trace this matter a little further. Among the contemporary publications, explaining and recommending the new constitution, the essays of the Federalist, as well for the distinguished ability with which they were written, as for the high character of the authors, two of whom were members of the convention which framed the constitution, were universally read and profoundly considered. In the letter of Mr. Jefferson to Mr. Gerry, an extract of which was read the other day by the honorable Senator from Pennsylvania, [Mr. DALLAS,] it is said with great force and propriety, that the constitution should always be understood "in the sense in which it was advocated by its friends, and adopted by the States." Now, sir, let us see in what light it was presented to the people, in reference to this question of State sovereignty, by its distinguished advocates and expounders, the writers of the Federalist. Nothing would have been better calculated to procure its ready adoption by the States, than to have told them that it left their sovereignty entirely unimpaired. But, sir, its honest and enlightened advocates, the writers of the Federalist, attempted no such imposition on the good sense of the people. They told them, distinctly, that "sovereignty in the Union, and complete independence in the members, are things repugnant and irreconcilable."—*Fed. No.* 15.

In the 45th No. of that publication, where Mr. Madison is noticing the objection that the new constitution would curtail the States of some important attributes of their sovereignty, instead of denying the charge, as it might have been politic to do in order to appease the jealousy of State pride, he boldly admits and justifies the fact. He tells the people of America, that if it be demonstrated that the Union is necessary to secure their happiness, necessary to secure them against foreign wars, against war and contention among the States, against violent and oppressive factions, against overgrown military establishments, and against all the other nameless ills that would be the inevitable consequence of separation, it is idle to object to a constitution, without which that Union cannot be maintained, that it would curtail the States of a portion of their sovereignty. On the contrary, he adds, that so far as a sacrifice of a portion of State sovereignty shall be necessary to the objects of the Union, thus shown to be indispensable to the happiness of the people, the voice of every good citizen must be, let the sacrifice be made. Sir, the sacrifice was freely made, to the extent required by the great objects of the Union; but all that portion of sovereignty not necessary to be vested in the Union for those high purposes still remains unimpaired in the respective States.

In pursuance of this leading truth, the language habitually used in the Federalist to characterize the sovereignty of the States is, the "residuary sovereignty of the States," or "the portion of sovereignty remaining in the States," after that which is surrendered to the Union. In rapidly glancing over this celebrated collection, I find the expression "residuary sovereignty of the States," as distinguished from a complete and undiminished sovereignty, used in three several numbers, (Nos. 39, 43, 62,) all written by Mr. Madison, whose guidance, I confess, I always follow with peculiar confidence; for no man, from the relation in which he stands to the constitution, can be supposed to be more thoroughly imbued with its true philosophy. It is a remarkable circumstance, as evincing the unvarying fidelity of Mr. Madison's mind to this fundamental truth of a partial surrender of sovereignty by the States, that at the distance of more than ten years from the publication of the Federalist, in his celebrated report of the Virginia Legislature of '99, he again uses the same form of expression—"the residuary sovereignty of the States."

Sir, that report, in recognising, as it does in express terms, "the sovereignty of the United States," as well as in attributing to the several States a residuary sovereignty only, shows that the idea of an absolute and undiminished sovereignty still remaining in the States was as little entertained by the fathers of the political church, from which the Senator from South Carolina professes to derive his tenets, as by the founders and original advocates of the constitution. In further illustration of this point, since Virginia authority has grown very much into vogue, I may be permitted to refer to the address of the Legislature of Virginia to the people of the State, which accompanied the famous resolution of '98. In that address, generally supposed to be the production of John Taylor, of Caroline, as thorough-going a champion of State rights as the Senator from South Carolina could desire, we find the following declaration: "It was then admitted that the State sovereignties were only diminished by powers specifically enumerated, or necessary to carry the specified powers into effect;" thus acknowledging, of course, that, to that extent, the State sovereignties had been diminished.

Sir, I claim myself to be an humble but devoted disciple of this good old school of '98 and '99, and I might speak, if it were proper to do so, of some little opportunity I have enjoyed of being instructed in its doctrines by the great men who were its teachers and founders. I cherish their doctrines, sir, as I do their fame, with reverence; and I will adhere to them with my latest breath. But as I believe in and value those doctrines, I utterly reject the spurious interpolations which have been attempted upon them by modern scholiasts and commentators.

The republicans of '98 and '99, Mr. President, never contended that the States retained, under the constitution, an absolute and undiminished sovereignty; that they still possessed what they had given up; that the whole was not diminished by the subtraction of a part. But they contended that all the sovereignty which had not been voluntarily surrendered to the Union was inviolably reserved to the States; that the States are sovereign within their several spheres, as the Union is in the sphere marked out to it; and that the harmony of the whole system is only to be preserved by each power revolving in its proper orbit. It was reserved for modern times to assert that eccentric and lawless State sovereignty, which "shoots madly from its sphere," to arrest the movements, and to nullify the acts of the federal authority.

The honorable Senator from South Carolina, while admitting, in one part of his remarks, that the people of the States had delegated a portion of their sovereignty to be exercised through the General Government, said, that to delegate, however, was not to part with; that, as between principal and agent, the delegated power might, at any time, be resumed; and that, consequently, the people of the several States might, at their pleasure, resume the powers they had granted to the General Government. Now, sir, while I will not deny the truth of the general proposition, that, as between principal and agent, the principal may at any time resume the powers which he has granted, I do utterly deny the application of it which has been made by the gentleman from South Carolina. In the first place, this is not merely a question between the people of South Carolina and the common agent of the States, the General Government; but it is a question deeply involving the rights and interests of third parties, to wit, the other States. But if it were purely a question between South Carolina and the General Government, South Carolina alone could not resume the powers which had been granted to the latter. She is but one out of twenty-four principals, who jointly granted these powers; and she can no more, so far as constitutional right is concerned, by her single act, resume the powers thus jointly granted, than an individual citizen of a State can resume the powers jointly granted by himself and the rest of the society to their State Government. Gentlemen seem to confound the relation in which the people of a State stand to the Government of the United States with that in which they stand to their own State Government. The people of South Carolina may at any time resume or modify the powers they have granted to their State Government, because, in relation to that, they form the entire delegating body; but, in relation to the Government of the United States, they are but one twenty-fourth part of the delegating body, three-fourths of which are, by the express terms of the compact, required to make any alteration in the Government.

Mr. CALHOUN here said that he had been misapprehended by the Senator from Virginia; that he had not said that the people of a State might resume the powers which had been granted to the General Government, but that they had a right to judge of the extent of those powers, and whether they had been exceeded.

Mr. RIVES continued: It was more probable that the honorable Senator, amid the diversity of new doctrines which had been broached, had forgotten all that he had said. The Senator from South Carolina certainly did contend that the people of a State might resume the powers which they had granted to the General Government; and in this I am sustained not only by my own recollection, but by the printed report of his remarks, which seems to have been very carefully prepared, and, I presume, under his own eye.

Mr. CALHOUN again explained: He had contended that if a State should resume the powers granted to the General Government, such resumption would only be a breach of compact, for which the State, as a community, would be responsible, and not its citizens individually.

Mr. RIVES replied: If, Mr. President, it be admitted that an attempt, on the part of a State, to resume the powers granted by it and the other States to the General Government would be a breach of compact, then it necessarily follows that no State has a right, under the constitution, to make such resumption. In other words, no State can have a constitutional right to break the constitution. In regard to the effect of such an unconstitutional act of a State, in reference to the obligations of its citizens to the Union, I shall presently show that it cannot in any manner disturb the regular action of the General Government on individuals.

But, before I do so, permit me to remark here again upon that confounding of things entirely distinct in their natures, of which we have had so many examples in the course of this discussion. I could not but observe, the other day, that the honorable Senator from Kentucky, [Mr. Bibb,] in developing the principles of the Senator from South Carolina, had appealed to the Declaration of Independence, in support of the right of the people of a State to resume the powers granted to the General Government. Now, sir, does not the source from which the honorable Senator derived this right fix its true character as being revolutionary, and not constitutional? What, sir, was the Declaration of Independence? Was it not a declaration of natural, not of conventional rights; of revolutionary, not of constitutional remedies; of remedies not founded on or consistent with the continuance of the constitution, but springing into existence from such a fundamental violation of its guaranties, as to amount to a virtual dissolution of Government? Sir, I should be the last man to deny or to impair that sacred right of resistance to oppression which is consecrated by the Declaration of Independence—the right of every people, whenever their Government shall prove destructive of those great ends for which all government was instituted, "to throw off such Government, and to provide new guards for their future security." But, sir, this is not the ground on which South Carolina has placed herself. She seeks to throw off, not the Government, but the obligations it imposes; to enjoy its protection, but to yield it no obedience; to participate in all its benefits, but bear no share of its burdens. And all these contradictions are to be reconciled by the talismanic interposition of State sovereignty!

Now, sir, let us see how this is to be done. The argument of the gentleman from South Carolina is this: that as the citizen was originally bound to obedience to the General Government by the act of his State, in its sovereign capacity, a like act of his State may release him from that obligation; that if the act of a State, absolving its citizens from obedience to a law of the United States, should be a breach of the compact with the other States, it is the State alone which is responsible; and that there is, thenceforward, no right on the part of the General Government to execute the law by acting on the individual citizens of the State. Sir, this argument is plainly founded on a total misconception of the nature of our present political system, and of the characteristic differences between it and the articles of confederation. From the moment of the adoption of the present constitution, a direct relation is created between the Government of the United States and the citizen. The authorities of the Union no longer act through the States by requisition, as under the articles of confederation, but directly on persons and things, by its own laws. The great object of the change of system was to render the Government of the Union entirely independent of the action of States, in the performance of its high constitutional functions. For this purpose it was not only invested with the power of making laws, but of executing them, by regular judicial and executive organs, and by the physical force of the country also, if need be; for it will not be forgotten that, among the powers expressly vested in Congress, is that of "providing for calling forth the militia to execute the laws of the Union." To mark still more unequivocally the intention of the new constitution to place the Government of the Union, in the exercise of its powers, above the control of individual States, it is expressly declared that the "constitution, and the laws of the United States which shall be made in pursuance thereof, &c. shall be the supreme law of the land, any thing in the constitution or laws of any State to the contrary notwithstanding."

Now, sir, would not all these characteristic features of the new constitution be utterly effaced by the doctrine of the gentleman from South Carolina? and should we not be brought back by it at once to the fatal weakness and inefficiency of the articles of confederation? Would not the Government be superseded in its direct and authoritative action on individuals, the vital principle of the present constitution? Would not its laws become mere requisitions, subject at any time to be defeated or arrested at the will of a State? Would it not, in short, lose every characteristic property of government, and become a mere league? Such, sir, are the inevitable effect and fatal tendency of the doctrines now broached—to subvert, by refined constructions, the present constitution of the United States, and to set up again in its place the abandoned articles of confederation.

Do we not already, Mr. President, hear the constitution of the United States, in various quarters, and in the gravest manner, denominated a league, a treaty of alliance and confederation? It was with great regret, sir, that I heard my worthy and honorable colleague, [Mr. Tyler,] the other day, call it in express terms a league, and insist upon the close resemblance and identity, in many respects, which he supposed to exist between it and the articles of confederation. Sir, to me the two systems are as opposite as light and darkness. The articles of confederation were a true league, constituting a common consultative body for all the States, but depending entirely on the sovereign will and pleasure of each State for the execution of its measures. The present constitution creates a Government—a Government, it is true, resting on compact between the States, and limited by the terms of that compact; but still, to the extent of its granted powers, possessing all the means and organs of efficient action, as completely as any other Government under the sun. Compare the two instruments, sir, and their very form admonishes you at once of this radical difference. The one is, in form as in substance, a treaty, by which "the States severally enter into a firm league of friendship with each other." The other is "a constitution, ordained and established by the people of the United States." It is true that you will find, in the articles of confederation, an enumeration of many of the powers which are vested by the present constitution in the Congress of the United States. But, sir, the great power, the vital power of carrying these powers into effect, was wholly wanting. The measures of the old Congress were addressed to the States, and depended for their effect on the action of the States. It was the principle of legislation for political communities, and not for the individuals of which they are composed, that constituted the radical vice, and led to the total and melancholy failure of the articles of confederation. The great object of the new constitution was to correct that fatal defect, and to extend the authority of the Union directly to the persons of individuals. The difference, in this respect alone, between the two systems, makes a perfect contract running through all their operations and results.

Gentlemen would do well to refresh their historical recollections a little on this subject. Have they forgotten that melancholy picture of embarrassment, humiliation, and distress, every where exhibited in this country, in the interval between the close of our revolutionary struggle and the adoption of the present constitution, all resulting from the fatal inefficiency of the articles of confederation? Our most sacred engagements with foreign nations, as well as with our own citizens, unfulfilled; theirs with us consequently unperformed; the requisitions of Congress upon the States regarded "as the idle wind;" the non-compliance of one State an example for the refusal of another; commerce paralyzed for the want of uniform regulation; credit, public and private, extinguished; industry languishing; every thing, in short, tending to anarchy and confusion; and, in one part of the Union, the banner of rebellion and defiance to the laws openly unfurled? From all these calamities and disasters we were happily rescued by the adoption of our present constitution. Would gentlemen, by construing away all its vital energies, "its whole constitutional vigor," to use the expression of Mr. Jefferson, convert it back into those inefficient articles of confederation for which it was substituted, and thus renew the reign of anarchy and of public and private distress which attended that ill-fated system?

There was another observation of my honorable colleague, founded, as it seems to me, in the same erroneous view of our system, from which, in all kindness and respect, I am compelled to express my dissent. He adverted to the instructions given to the delegates of the States in convention "to revise the articles of confederation," not to abolish them, as a proper guide in determining the character and operation of the present constitution. But, sir, it appears to me, that so far as the true character of the constitution is concerned, the inquiry is not what the delegates in convention were instructed to do, but what they actually did, and what the people of the United States gave their assent to by their subsequent ratifications? The members of the convention, from high considerations suggested by the deranged and critical state of the country, may have felt themselves justified in exceeding their instructions; and yet their work, when subsequently sanctioned by the adoption of the people, would not be the less legitimate and valid. Every thing depended upon the voice of the people, to whom the constitution was submitted for ratification. If they should disapprove it, though it might be in exact pursuance of instructions, the work would be of no effect. If, on the other hand, though departing from instructions, it should be approved by the people, that high approval would blot out all antecedent irregularities.

The true question always is, not what project of a convention may have been originally contemplated by this or that State, or brought forward by any member of the convention; but what constitution was actually adopted by the States? It is that constitution, the people's constitution, and not the project of Luther Martin, of Mr. Paterson, or of any other member of the convention, which we have sworn to support.

The true character of that constitution depends on the sense in which it was understood and accepted by the people of the States at the time of its adoption; and that, again, as Mr. Jefferson so forcibly remarked in his letter to Mr. Gerry, on the sense in which it was explained and advocated by its friends. It is in this view that the papers of the Federalist are entitled to greater weight in fixing the true construction of the constitution, than any other commentary whatever; for it was in reference to the explanations given by it of the new system of government proposed, that the public mind throughout the United States formed its judgment in the final adoption of the constitution.

Now, sir, in regard to this matter of instructions, it was distinctly admitted by the writers of the Federalist, and other friends of the constitution, that the convention had, in some respects, departed from their instructions. But still the departure was more in form than substance. Their authority, it is true, was "to revise the articles of confederation, and to propose alterations and further provisions therein;" but the purpose of that revision was expressly declared to be, to render "the federal constitution adequate to the exigencies of government and the preservation of the Union." These were the great objects to be kept constantly in view by the convention, and should never be lost sight of by us in our interpretations of their work. If, to accomplish these objects, it was found necessary to propose an entirely new system, the departure from the letter of the instructions in this respect was but a sacrifice of form to substance; a preference of the end to the means.

Sir, the great end of the assembling of the convention, that which was called for by the universal voice, was an efficient Government; an institution "adequate to the exigencies of government and the preservation of the Union."

Sir, if it were not for the great sensitiveness which has been discovered of late in regard to the term "national," I might remind gentlemen that in the resolution of the old Congress under which the convention assembled, the object of its labors was expressly stated to be the establishment of "a firm national Government." I am very far, Mr. President, from saying that the Government actually established is a national one, in the sense which is now generally attached to that term. But, sir, I cannot, in compliance with the temper and fashion of the times, so far renounce the ideas and language which, till lately, were universally familiar to the American mind, as to say that this Government has no national features. Sir, though federal in its basis and principal relations, it does possess some national features, and those of an important character. In the very relation involved in this discussion, the operation of the Government in the execution of its powers, it is national, not federal. The fundamental distinction between a federal and national Government, in this respect, is, that the former operates on the States composing the confederacy, in their political capacities; while the latter operates directly on the individual citizens. In this respect no one can deny that the present Government of the United States is strictly national. In the representation of the people, in the other branch of the Legislature, the Government is also clearly national; while in the representation of the States in this branch, and in other important respects, particularly the foundation on which it stands, of compact between the States, and the limited extent of its powers for special purposes, it is decidedly federal. But, sir, on this subject I will only refer gentlemen to a well known number of the Federalist, [the 39th,] written by Mr. Madison, where they will find a thorough analysis of the Government in all its relations, and where it is clearly shown that it is neither wholly federal nor wholly national, but a composition of both. Sir, no construction of the constitution can be a sound one, or lead to results just in theory or safe in practice, which does not keep steadily in view this mixed character of the Government, and look as well to its national as to its federal features.

I have been led, Mr. President, into this digression on the general character of our present political system, as distinguished from the articles of confederation, to which it is said to bear so close an affinity, because I do firmly believe, that if the doctrines now contended for shall prevail, as complete a subversion of our existing institutions will have been effected, practically, as if the constitution of the United States were formally abolished, and the articles of confederation again established! Is not the distinguishing feature, the vital principle, of the present constitution, the power which it vests in the Government of executing its laws by a direct action on individuals? But it is contended that the Government of the Union may at any time be superseded in this direct action on individuals, for the purpose of executing its laws, by the interposition of a State declaring a law of the United States to be null and void. If this be so, is it not obvious that the Government of the Union is, at once, reduced again to that dependence on the authorities of the individual States, in the performance of its constitutional functions, which it was notoriously the chief object of the present constitution to avoid and remedy?

That the interposition of a State, acting in her sovereign capacity through a convention of the people, as in the case of South Carolina, is of no more avail to arrest the execution of the laws of the United States than an interposition in her ordinary political capacity, is apparent from the language of that clause of the constitution which asserts the supremacy of the constitution and laws of the United States, "any thing in the constitution or laws of any State to the contrary notwithstanding." The constitution of a State is always the act of a State in her highest sovereign capacity; and if it can oppose no obstacle to the laws of the Union, as is here declared, it follows that neither the sovereign nor the legislative interposition of a State is sufficient, under the constitution, to defeat a law of the United States.

If any thing further were wanting to show that the interposition of a State cannot, under the constitution, absolve the citizen from his obligations to the Union, conclusive proof is furnished by the rejection of the amendment proposed in the convention by Mr. Luther Martin, which was brought to the view of the Senate, a few days since, by the honorable Senator from Delaware, [Mr. Clayton.] Mr. Martin, with the express view, as he tells us, of securing the citizens of the respective States against the effects of their responsibility to the United States, where, in obedience to the authority of their own State, they should oppose the laws of the Union, submitted a proposition in the following words, as an amendment to the article in the constitution concerning treason: "Provided that no act or acts done by one or more of the States against the United States, or by any citizen of any one of the United States, under the authority of any one or more of the said States, shall be deemed treason, or punished as such," &c. This proposition, sir, was rejected; and the inference drawn from the fact by Mr. Martin is irresistible, that it was intended to preserve the constitutional authority of the Union, over the citizens of the United States, in full force and effect, whatever might be done or enjoined by a State to the contrary.

But among the new constitutional theories to which the controversies of the times have given birth, it seems to be now gravely contended that there is no such thing as a citizen of the United States; that it is only as citizens of a particular State, and in virtue of their allegiance to that State, that the people of this country are under any obligations of obedience to the Government of the Union.

Mr. TYLER here said that he had not asserted that there was no such thing as a citizen of the United States. He had asked, who had ever seen a citizen of the Government of the United States?

Mr. RIVES resumed. My honorable friend will perceive that this is but an evasion, not a solution of the difficulty. Who, sir, has ever seen a citizen of the Government of Virginia? There is no more a citizen of the Government of Virginia than there is a citizen of the Government of the United States.

The relation of allegiance, sir, is not between citizen and Government; it is between citizen and sovereign. It is the whole body of the community which is, with us, the sovereign; and it is to that sovereign that allegiance is due. Now, sir, I have already shown that the United States, for certain purposes, do form one great political community, in which the sovereignty of the Union resides, just as the sovereignty of the respective States resides in the people of each State separately considered. It is to the United States, then, in their sovereign character, and not to the Government of the United States, that allegiance is due. That there is a direct relation of allegiance between the United States and the citizens of this country, so far as the objects of the Union are concerned, is sufficiently manifested, not only by what is intrinsically implied in the term "citizen of the United States," which is frequently used in the constitution, but by the fact that the constitution provides for the punishment of treason against the United States." Treason is essentially the breach of the allegiance due to the sovereign power against which it is committed. There is, then, a direct allegiance due from the people of this country to the United States, as citizens of the United States, to the extent of the sovereignty which, for special purposes, resides in the Union. We are, at the same time, citizens of our respective States; and, as such, we owe allegiance, each one to his own State, to the full extent of the sovereignty abiding in the States severally. To each power we owe allegiance, within the limits of their respective sovereignties; to neither beyond.

But, sir, it is said that allegiance and protection are reciprocal, and that as our protection in all the most interesting relations of life is derived from our respective States, to them our allegiance is exclusively due. It has been contended that we derive no protection from the United States, except when we are on the ocean, or in foreign countries, beyond the limits of the States. If this were so, still it would be something that we are efficiently protected by the strong arm of the Union, where the States are powerless to protect. But, sir, is it true that we receive no protection from the United States, while we remain within the limits of the country? Do not the United States, on the contrary, protect us even against the arbitrary and unjust legislation of our own States, in declaring, as the constitution declares, that "no State shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts?" Is it not the United States which, through the medium of the judicial power, secures to us an impartial administration of justice in all controversies with citizens of other States or foreigners? Is it not the United States, again, which secures to us the privileges and immunities of citizens in the other States? What power is it that protects us in the enjoyment of our most inestimable political rights; which guaranties to us the blessings of a "republican form of government;" which defends us against the excesses of "domestic violence" and faction, as well as the calamities of hostile "invasion?" Is it not this same despised United States? Sir, wherever we are, at home or abroad, on the bosom of the ocean, or by the tranquil fireside, whether danger threaten us in our civil, political, or international relations, the broad ægis of the Union is over us, and covers us with its ample protection. Let it not be said, then, that we derive no protection from the United States, which might merit some small return of allegiance. Sir, proud as I am of the title of citizen of Virginia, grateful as I am for the unmerited favor which that honored mother has shown to me, I yet feel, with the father of the country, that "the just pride of patriotism is exalted" by the more comprehensive title of citizen of the United States; that title which gives me a share in the common inheritance of glory which has descended to us from our revolutionary sages, patriots, and heroes; that title which enables me to claim the names of the Rutledges, the Pinckneys, and the Sumpters of South Carolina, of the Hancocks, the Adamses, and the Otises of Massachusetts, and all the other proud names which have illustrated the annals of each and all these States, as "compatriot with my own."

I have thus, Mr. President, reviewed the fundamental tenets of that new school of constitutional law which has sprung up within the last four or five eventful years of our political history. I have endeavored to show that they have no foundation whatever in any just view of the constitution; that they are directly at war with the contemporary understanding and expositions of its founders; and that they derive no countenance whatever from the principles of that genuine republican school, which reestablished the constitution in its purity, after the temporary perversions to which it had been subjected. These modern doctrines, I do firmly believe, are, in their tendency, utterly subversive of that happy system of government, the preservation of which is not only the sole seecurity for liberty with us, but the last hope of freedom throughout the world. If, in the depth of these convictions, I shall have fallen into a warmer tone of discussion than is my habit, it will be attributed, I trust, to its true cause, and not to any want of proper respect or kind feeling towards the members, one and all, of this body.

Sir, we live in times when it is a solemn duty which every man owes his country, to speak his opinions without disguise or equivocation, even at the risk of giving offence to some of those whom it would be his greatest pleasure, as well as his highest ambition, to content in all things. I have been already admonished, sir, that a sword is at this moment suspended over my head, which may descend and sever the worthless thread of my political existence for the act of public duty I am now performing. Sir, if it should be so, I shall have at least one consolation—the consciousness of having fallen in defence of the constitution of my country, and of that liberty which is indissolubly connected with it.

Sir, I take leave to say, that there breathes not the man who is more devoted than I am to the maintenance of the just rights of the States. It is in that faith that I was brought up, and in that faith I shall continue to the last. It is in the salutary influence and power of the States, under distinct and organized forms of action, and the wise partition of power established between them and the authorities of the Union, that our system possesses guaranties and advantages unknown to any other which ever existed. Sir, the gentlemen who have claimed to be the special champions of State rights here, appear to have a much more limited idea of those rights than I have. They speak of State rights as if they consisted exclusively in the right of opposing acts of the General Government. But, sir, according to my notion of them, they comprehend all rights of political power whatever, not delegated to the United States; all such being expressly reserved by the constitution to the respective States.

But, it is asked, where is the security for these rights? In the first place, the constitution evidently intended to provide, in the organization of the General Government itself, important securities against encroachments on the reserved powers of the States. This body itself, representing, as it does, the States in their co-equal and sovereign characters, was especially intended to guard the rights of the States against invasion from the federal authority. Elected as its members are, by the Legislatures of the States, and responsible to them, it could not be doubted that they would be animated with a watchful and jealous sensibility to the rights of their constituents. One-half of the States, as represented in this body, though embracing, as might well happen, but one-fourth part of the people of the United States, have it in their power to arrest any legislative measure which should seem to them to infringe upon their reserved powers. Here, then, we have not only one security for the rights of the States, but an efficient check to the domination of that numerical majority, which has, of late, been so frequently held up to the jealousy and denunciation of the States.

The President, also, is elected by the "States in their political capacities; the votes allotted to each State being in a compound ratio, which considers them partly as distinct and co-equal societies, partly as unequal members of the same society." Being thus chosen by the States, he cannot be supposed to be indifferent to their rights; and the constitution has armed him with a veto, which the experience of our political history, and especially of the last four years, has shown may be effectually wielded for their defence.

But if all the branches of the Federal Legislature, the President, Senate, and House of Representatives, should concur in the passage of an unconstitutional measure, there is still another resort within the pale of the General Government itself. The Judiciary, holding their offices by an independent tenure, and sworn to support the constitution, may declare such an act of the legislative authority null and void, and refuse to carry it into execution. Whatever leaning the courts of the United States may be supposed to have in favor of federal authority, examples are not wanting, nor very few, of their having pronounced against the validity of acts of Congress, on the ground of their unconstitutionality; nor is it to be doubted that they will continue to do so, whenever the independent and conscientious exercise of their judgments shall require of them such an act of duty.

If all these securities, provided in the organization of the General Government itself, should fail, it would then be the right, as well as the duty of the States, to interpose their conservative influence. Though the Federal Judiciary should have decided the acts complained of to be constitutional, still the States, as sovereign parties to the compact, would have the right to judge, in the last resort, whether the compact had been pursued or not; to declare, in the most solemn form, their opinions that the acts in question are unconstitutional; and to invite the co-operation of each of the others in such measures as should be necessary and proper either to obtain a repeal of the offensive acts, or procure an amendment of the constitution itself. These are modes of State interposition clearly within the limits of the constitution. There may be others also within the limits of the constitution. I am not prepared to say that the States might not constitutionally, by the exercise of their acknowledged legislative powers, on subjects clearly reserved to them, oppose very serious impediments of one sort or another to the execution of unwarrantable measures on the part of the General Government. In this respect, it is not easy to mark the exact limit of the rights of the States; and as in the case of the privileges of Parliament in England, high considerations of policy may require that they should be left undefined. But one thing is certain: a State can never, as South Carolina has done, directly and formally annul a law of the United States, without an open departure from the constitution, and a total renunciation of all its obligations.

The moral interposition of the States, of which I have spoken, Mr. President, resting on the force of reason and appeals to public opinion, will, I am persuaded, be found sufficient to redress every real grievance in the practical operations of our system, whenever it shall be resorted to by any respectable number of States, though short of a majority of the whole. The success of this constitutional remedy does not merely depend on its intrinsic force, however great that must be in every free Government; but it derives a decisive efficacy from the knowledge of those ulterior, though dormant, remedies which lie in the hands of the States, above and beyond the constitution. I refer, sir, to those natural rights and powerful means of self-defence and active resistance, which the States possess in their complete municipal organizations, civil and military. It is in this view that, in all the contemporary discussions on the adoption of the constitution, the State Governments were constantly referred to as "affording, in every possible contingency, a complete security against invasions of the public liberty by the federal authority."—(*Fed. No.* 28.) They were to be ultimately not only the voice, but, if necessary, the arm of the public discontent.—(*Fed. No.* 26.) The advantages they possessed through their civil and military organizations, for "combining all the resources of the community in a regular plan of opposition," "of communicating with one another, and uniting their common forces for the protection of their common liberty," "for collecting the public will, and directing the public force;" all these advantages and means of self-defence, on the part of the States, were constantly referred to, and insisted on, as demonstrating the extreme improbability of any serious attempt, by the General Government, upon the liberties of the people or the States, and the certain triumph of the public cause, should such an attempt be made. The remedies here alluded to are clearly revolutionary—"above and beyond the constitution." They are such as, I do firmly believe, there never will be any occasion, in the progress of our system, to call into exercise. But their potential existence is of value, as giving a certain efficacy to the moral remedies which are within the limits of the constitution, whenever those milder remedies shall be resorted to by any respectable portion of the States; and it is in that view I now refer to them.

There is another extra-constitutional remedy for the ultimate vindication of the rights of the States, (when they shall have been dangerously and perseveringly assailed,) which also deserves to be borne in mind as adding to the force and efficacy of those constitutional remedies, of which I have spoken as resting on the moral influence of reason and opinion. This remedy deserves to be so much the more considered in this connexion, because, though extra-constitutional, it is at the same time peaceful and complete. One-half of the States, whenever fundamental invasions of their rights by the General Government shall seem to them to justify it, may peacefully suspend its operations, by simply declining to perform the function assigned to them of electing Senators; as, in that case, the majority requisite to constitute a quorum of one branch of the Legislature, essential to the integrity of the Government, would be wanting. This opinion, at least, has been expressed by the highest judicial authority in the Union. I refer to what was said by the distinguished chief justice of the Supreme Court, in the famous case of Cohen *vs.* Virginia.

With all these means of ultimate practical control resting in the hands of the States, it cannot be presumed that their solemn remonstrances, in the character of sovereign parties to the constitutional compact, would be long disregarded by the Government of the Union. It is true, that neither the complaints nor the opposition of a single State might carry with them a decisive influence. But if the usurpation or the grievance complained of were a serious one, the denunciations of it would not be confined to a single State. Others would unite. Their concurrent appeals, bottomed on reason and justice, would be sustained by a growing public sentiment in the mass of the nation; and to this progressive moral power, enforced and strengthened, as I have shown, by other considerations, the councils of the Union must always ultimately yield. It was thus, sir, in the great struggle of '98 and '99, in relation to the alien and sedition laws, which fell beneath the moral power of the States as the pioneers and organs of public opinion. The salutary efficacy of that same moral power has already manifested itself, in the most encouraging manner, in relation to that system of policy which is the present subject of our remonstrances and complaints. Have we not seen, in the North, the Legislatures of Maine, of New Hampshire, and New York, one after another, responding to the argumentative appeals of the Southern States, and uniting with them in demanding an essential modification of the existing tariff? In the centre of the Union, likewise, the altered tone of Pennsylvania gives us assurance of an auspicious change of opinion already commencing there. In these results, due alone to the moral force of the remonstrances and appeals which have proceeded from the Southern States, we have a certain guaranty of the speedy redress of the inequality and injustice of which they have complained.

Let us contrast with this the effects which have been produced by the violent and illegal opposition of South Carolina. Have we not all seen and felt that the attitude of open hostility to the authority of the Union, assumed by that State, is the great obstacle to the present adjustment of this distracting question? Is it not the objection constantly urged by those otherwise manifesting the best dispositions for justice and conciliation. The honorable Senator from Kentucky [Mr. Clay] has told us that, for a long time, he considered the position of S. Carolina towards the Union as presenting an insuperable obstacle to any legislation for relief during the present session of Congress. I am most happy that that honorable Senator has, at last, seen cause to entertain other views, and that he now feels the injustice of withholding relief from the aggrieved States of the South generally, on account of the violent and improper proceedings of a single one of them. I do not, certainly, participate in the indulgence which that distinguished Senator seemed to feel for the errors of South Carolina, when he assimilated her conduct to that of Virginia in the case of Cohens, and of Ohio towards the Bank of the United States. Sir, I can see nothing in common between the cases referred to and the present attitude of South Carolina.

Mr. CLAY here said, that he had admitted that the acts of South Carolina were much more offensive; the measures of the States referred to were, in principle, the same, though in degree widely different; he meant nothing—he felt nothing, in apology for South Carolina.

Mr. RIVES continued: I am not now disposed, Mr. President, to moot these questions with the honorable Senator from Kentucky. Though there did seem to me to be an indulgent tone in his observations towards South Carolina, in which I could not sympathize, and while I am still unable to see any resemblance, either in principle or degree, between the course of Virginia and Ohio on the occasions alluded to, and the conduct of South Carolina, I am yet too much disposed to co-operate with the honorable Senator in the effort now to adjust this most distracting question, to raise any points of needless discussion between us. In one thing, we are perfectly of accord—that the conduct of South Carolina, whatever may be its true character, presents no proper obstacle to doing justice in a matter which as deeply concerns the interests of other members of this confederacy as of that State.

But, sir, the proceedings of my State, on another occasion of far higher importance, have been so frequently referred to in the course of this debate, as an example to justify the present proceedings of South Carolina, that I may be excused for saying something of them. What, then, was the conduct of Virginia in the memorable era of '98 and '99? She solemnly protested against the alien and sedition acts, as "palpable and alarming infractions of the constitution;" she communicated that protest to the other States of the Union, and earnestly appealed to them to unite with her in a like declaration, that this deliberate and solemn expression of the opinion of the States, as parties to the constitutional compact, should have its proper effect on the councils of the nation in procuring a revision and repeal of the obnoxious acts. This was "the head and front of her offending"—no more. The whole object of the proceedings was, by the peaceful force of public opinion, embodied through the organ of the State Legislatures, to obtain a repeal of the laws in question, not to oppose or arrest their execution while they remained unrepealed. That this was the true spirit and real purpose of the proceeding, is abundantly manifested by the whole of the able debate which took place in the Legislature of the State on the occasion. All the speakers, who advocated the resolutions which were finally adopted, distinctly placed them on that legitimate, constitutional ground. I need only refer to the emphatic declaration of John Taylor, of Caroline, the distinguished mover and able champion of the resolutions. He said "the appeal was to public opinion; if that is against us, we must yield." The same sentiment was avowed and maintained by every friend of the resolutions throughout the debate.

But, sir, the real intentions and policy of Virginia were proved, not by declarations and speeches merely, but by facts. If there ever was a law odious to a whole people by its daring violation of the fundamental guaranties of public liberty, the freedom of speech and freedom of the press, it was the sedition law to the people of Virginia. Yet, amid all this indignant dissatisfaction, after the solemn protest of the Legislature in '98, and the renewal of that protest in '99, this most odious and arbitrary law was peaceably carried into execution in the capital of the State, by the prosecution and punishment of Callender, who was fined and imprisoned for daring to canvass the conduct of our public men, (as Lyon and Cooper had been elsewhere,) and was still actually imprisoned when the Legislature assembled in December, 1800. Notwithstanding the excited sensibility of the public mind, no popular tumult, no legislative interference, disturbed, in any manner, the full and peaceable execution of the law. The Senate will excuse me, I trust, for calling their attention to a most forcible commentary on the true character of the Virginia proceedings of '98 and '99, (as illustrated in this transaction,) which was contained in the official communication of Mr. Monroe, then Governor of the State, to the Legislature, at its assembling in December, 1800. After referring to the distribution which had been ordered to be made among the people of Mr. Madison's celebrated report of '99, he says: "In connexion with this subject, it is proper to add, that, since your last session, the sedition law, one of the acts complained of, has been carried into effect in this commonwealth by the decision of a federal court. I notice this event, not with a view of censuring or criticising it. The transaction has gone to the world, and the impartial will judge of it as it deserves. I notice it for the purpose of remarking that the decision was executed with the same order and tranquil submission on the part of the people, as could have been shown by them on a similar occasion, to any the most necessary, constitutional, and popular acts of the Government." "The General Assembly and the good people of this commonwealth have acquitted themselves to their own consciences, and to their brethren in America, in support of a cause which they deem a national one, by the stand which they made, and the sentiments they expressed of these acts of the General Government; but they have looked for a change, in that respect, to a change in the public opinion, which ought to be free, not to measures of violence, discord, and disunion, which they abhor."

It is thus, sir, that the men of '98 and '99 then understood their own proceedings, and that the honored few, who survive, still understand them. Let us now, sir, look at the language of the proceedings themselves, and see if that fairly warrants any other construction. The proceedings of the Legislature of Virginia in '98 consisted of a series of resolutions, eight in number. The third resolution, which is the one that has been most frequently appealed to, asserts the right of the States, as parties to the compact, in cases of a deliberate, palpable, and dangerous exercise by the General Government of powers not granted by the compact, "to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them." The seventh resolution, after expressing the warm attachment of the people of Virginia to the Union and the constitution, proceeds: "The General Assembly doth solemnly appeal to the like dispositions in the other States, in confidence that they will concur with this commonwealth in declaring, as it does hereby declare, that the acts aforesaid" (the alien and sedition acts) "are unconstitutional, and that the necessary and proper measures will be taken by each for co-operating with this State in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively or to the people." Now, sir, it is a fundamental rule of interpretation, in regard to acts and documents of every description, that, in order to arrive at their true sense and meaning, the whole must be taken together; the parts must be construed in reference to each other. The two resolutions just cited, then, must be considered in connexion with each other. The former asserts the right of the States to interpose for maintaining the authorities, rights, and liberties appertaining to the respective States. But in what manner, by what measures, are these rights and liberties of the States to be maintained? The latter of the two resolutions gives the answer: "by necessary and proper measures to be taken by each for co-operating with Virginia, in maintaining unimpaired the authorities, rights, and liberties reserved," &c. The measures were to be not only necessary and proper, but such as admitted of co-operation; measures to be "taken by each for co-operating with Virginia in maintaining," &c. This language obviously excludes all measures which have their full and complete effect within the limits of the respective States. Kentucky could not, for example, co-operate with Virginia in an act by which Virginia should nullify a law of the United States within her own limits; because, there, the measure would receive its full and complete effect by the separate and independent action of Virginia. Such measures, therefore, must have been contemplated by the resolutions of Virginia, as, although adopted separately by each of the States in the inception, were yet to have their final effect beyond their respective limits, in being directed to a common object, for the attainment of which the States could co-operate with each other. That object, in the case of the alien and sedition acts, was the repeal of the obnoxious laws; and the measures by which it was to be sought were to be legislative protests against their unconstitutionality, instructions to the representatives of the States in Congress, direct remonstrance to Congress, and such other modes of interposition as might be deemed most eligible to bring the public opinions of the States to bear, with united weight, on the councils of the Union.

The important question which has arisen on the Virginia resolutions of '98, is not what modes of redress might be justifiable in extreme cases, and on the principles of natural right, but what measures of State interposition were deemed to be consistent with the constitution itself. Besides the evidence on this point furnished by a proper attention to the resolutions themselves, as just explained, the question is conclusively settled by the subsequent report of '99, which is known to have been drawn by the pen of Mr. Madison, then a member of the Virginia Legislature, as the previous resolutions of '98 were also from him, though he was not then a member of that body. The report, in reviewing that part of the 7th resolution already cited, which refers to the necessary and proper measures to be taken by the States for co-operating with each other in maintaining their rights, specifies the various measures of that sort which are deemed to be "within the limits of the constitution." After insisting that a declaration by a State Legislature of the unconstitutionality of an act of Congress, and an appeal to other States to concur in the declaration, is a measure of State interposition "within the limits of the constitution," the report also mentions, as being of a like character, a direct remonstrance of the Legislatures of the States to Congress, instructions to their respective Senators to propose an explanatory amendment of the constitution, and applications from themselves to Congress for the call of a convention. At the end of this specification, the report adds: "These several means, though not equally eligible in themselves, nor probably to the States, were all constitutionally open for consideration." As the occasion called for a full exposition of the measures of State interposition, deemed to be "within the limits of the constitution," the specification here made must be considered, according to a well known rule of interpretation, as excluding, in the minds of the writer and those who adopted the report, all others not specified from the class of constitutional modes of State interposition. If there be passages in the report, or expressions in the resolutions, then, which seem to contemplate other modes of redress, not resolvable into these, they must be considered as referring to those extreme cases of governmental abuse or usurpation, which would justify a resort to original rights, paramount to all constitutions.

Sir, it has been sometimes tauntingly said, that if the Virginia resolutions meant nothing more than to assert a right of interposition on the part of the States, by declaring an act of Congress unconstitutional, and founding thereon appeals to the other States, as well as to the General Government, the able reasoning of Mr. Madison's report was very uselessly expended in maintaining a right which no one would contest. But, sir, this right was formally and explicitly contested by all the States which returned answers to the resolutions of Virginia, with the exception of Kentucky only. Let gentlemen look at the answers given by the Legislatures of Delaware, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire and Vermont, and they will see that this right was boldly denied by them all; that they all contended that the right of pronouncing on the constitutionality of acts of the General Government was exclusively vested in the Federal Judiciary; and that a declaration by a State Legislature, such as Virginia had made, of the unconstitutionality of an act of Congress, was an unwarrantable interference with the constituted authorities of the Union.

Attempts have also been made, sir, to decry this right as utterly idle and worthless in practice. I have already had occasion to remark that the exercise of this right in '98 and '99, by rallying public opinion to the true principles of the constitution, and embodying its expression in imposing organized forms, was found adequate, not only to correct the particular usurpations of the alien and sedition acts, but to produce an entire and fundamental revolution in the administration of the Government. The striking and still progressive changes of public opinion in various quarters of the Union on the subject of the tariff, which I have also had occasion to notice, bear continued testimony to the efficacy of the same constitutional remedies. Sir, in a system like ours, founded on the moral force of public opinion, it is remedies of this sort, I am persuaded, that will be found most effectual; while violent and unconstitutional modes of redress, like that of South Carolina, will ever be attended with danger of re-action, excite prejudice, confirm the obstinacy of power, and raise up new obstacles in the way of relief.

Sir, I would appeal to gentlemen from the South, who profess attachment to the constitutional doctrines which are cherished in that quarter of the Union, and ask when was there ever less occasion to despair of the moral power and ultimate ascendancy of a sound public opinion? When have more triumphs been won for the cause of State rights and of limited constitutional construction, than during the last four years, by the patriotic Chief Magistrate, in whom the public opinion of this country has found a firm and unflinching organ? Has he not, sir, by a courageous exercise of a power which had hitherto almost lain dormant in the constitution, annihilated the earliest encroachment of federal power? Has he not, in like manner, arrested the wasteful torrent of public expenditure for unconstitutional objects? And has he not nobly used, as he is still using, the high influence with which the confidence of his country has invested him, to relieve every portion of that country from the burdens of the unequal and oppressive system of taxation of which we complain? Sir, I refer to these topics with no wish to awaken any unpleasant recollections of past contests here or elsewhere, but simply to remind gentlemen, who come from that portion of the country where the political principles to which I have alluded so generally prevail, of the rapid progress which those principles have made, under the auspices of the present Chief Magistrate, towards a settled ascendancy in the public councils; and to ask them if there ever was less reason for the friends of those principles to distrust the peaceful influence of opinion, and, by flying to extremities, to hazard not only their triumph, but the existence of our institutions themselves?

I will proceed now, Mr. President, to state, very briefly, my ideas of what we are called upon to do, in the present circumstances of the country. If we were to separate without doing something, and something effectual too, to vindicate the despised authority of the laws, the Government and the Union would be thenceforward virtually dissolved. Our oaths to support the constitution—our highest duties to our country (which, having a right to equal laws, is entitled also to an equal execution of them,) demand, at our hands, proper and effectual provisions for the execution of the laws in question. My plan, then, would be simply this: I would take up this new code of nullification, I would examine it in all its inventions, and apply to every one of its devices an effectual counteraction. Whereas nullification provides that goods held for the payment of duties shall be taken out of the hands of the collector or marshal, under color of a fraudulent process of replevin, designed for the sole purpose of defeating the laws of the United States, I would say, as the bill now under consideration says, on well settled principles of jurisprudence, that goods thus in the custody of the law are irrepleviable, and shall be given up only in obedience to the order or decree of a court of the United States. Nullification, while it subjects officers of the United States to heavy penalties and damages for discharging their duties, provides that all controversies, civil or criminal, which may arise under its ordinance, shall be drawn exclusively to the State courts, the judges and jurors of which are to be bound by a solemn oath to carry the ordinance into execution, prohibits, under high penalties, appeals from their decisions to the courts of the United States; and forbids, in like manner, the furnishing of any copy of a record to prosecute such an appeal. These provisions also should be effectually counteracted. The judicial power of the United States, which is expressly declared to extend to all cases in law or equity arising under the constitution or laws of the United States, would, indeed, be a mischievous mockery if it could not be made to reach cases of this description. I would, therefore, declare, as the bill declares, that the jurisdiction of the circuit courts of the United States shall extend to all cases arising under the revenue laws of the United States; that all suits or controversies of that character may be removed, as the third section of the bill provides, from the State to the United States courts, on the petition of the defendant; and that if a copy of the record be refused, it may be supplied by other means or secondary evidence. In regard to those clauses of the bill which provide for the removal of the custom-house, as has been significantly and properly said, out of harm's way, and for requiring payment of duties in cash, deducting interest, where it is apprehended that the payment of the bonds would be sought to be prevented, and thus cutting off in their source controversies of a very delicate and dangerous character, they are conceived in a laudable spirit of peace, and I can see no well-founded objection to them. The provisions are in general terms, applying alike to all portions of the country, in case of unlawful obstructions to the collection of the revenue. Whenever and wherever such obstructions shall arise, the law applies its remedy. If, in point of fact, it should, at present, apply to South Carolina only, the fault will be hers, in opposing unlawful obstructions which exist no where else, and not that of the law, which is equal and general in its provisions.

The art of calling hard names, Mr. President, has exhausted all its resources on the unfortunate bill on your table. But, sir, this is no novelty in our political history, as the similar and not less violent denunciations of the act for enforcing the embargo, during Mr. Jefferson's administration, bear ample testimony. My worthy colleague, [Mr. TYLER,] in his fervid eloquence, denominated it a Botany Bay bill, and founded his denunciation on the clause which authorizes the marshal, in certain cases, under the direction of the judge of the district, to provide a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States. Now, sir, let us inquire what was the motive of this provision. Heretofore, in South Carolina, as in other States, persons arrested or committed under the authority of the United States have been confined in the jails of the State; but, by her recent legislation, South Carolina has forbidden, under very high penalties, the use of her public jails to the United States, and has, moreover, prohibited all private persons, under pain of fine and imprisonment, from hiring or letting any place, house, or building, to be used as a jail by the United States. In this state of things it became absolutely necessary to make some other provision for the custody of debtors and others, who might be arrested or committed under the authority of the United States; and that provision is made in the very words of a resolution of Congress of the 3d of March, 1791, passed to provide for the case of a failure, on the part of any of the States, to comply with a previous recommendation of Congress respecting the use of their jails by the United States. By what process a provision so simple and natural can be metamorphosed into a Botany Bay bill I am at a loss to conceive; and I think my honorable colleague, when he comes to review it more calmly, will be not less at a loss to explain.

But, sir, the most vehement denunciations have been directed against those clauses of the bill which authorize the employment of military force, in certain cases, to repel attempts, by force, to obstruct the execution of the laws. We have been told that it is making war upon South Carolina. Now, sir, while I do not concur in the policy of these provisions, at the present moment, for reasons which I shall presently state, I utterly deny the justness of this qualification of the bill, as well as the principle on which it is founded. There is no proceeding whatever, in any part of this affair, against South Carolina. The Government of the United States, in the execution of the laws, can have no proper reference to States. It acts upon individuals, not upon States, as I have already had occasion abundantly to show; and the constitution of the United States, when it declared that nothing in the constitution or laws of a particular State should control the laws of the United States, has not permitted the Government of the Union, in executing the laws of the United States, to inquire if opposition to them is, or is not, authorized by a particular State. If the laws be opposed by combinations too powerful to be overcome in the ordinary course of judicial proceedings, there is the same right, under the constitution, to execute the laws by calling in the aid of the military power, whether such combinations be authorized by a law of the State, (which the constitution has declared, in such a case, to be a nullity,) or whether they be purely voluntary. I have not, then, the slightest difficulty in regard to the right and the power of the Government to employ the physical force of the country, in a case like the present, if it should be necessary. I am also aware that the provisions in the bill now alluded to are strictly defensive, authorizing force only to repel force; that, amended as they have been, they give a far less extensive power over the military force than was given during the administration of Mr. Jefferson, for the enforcement of the embargo; and, that, in fact, they give no power of that sort which does not already exist under the acts of 1795 and 1807. I have likewise the fullest confidence, not only in the discretion, but in the scrupulous forbearance, with which any powers proposed to be vested by this bill in the Chief Magistrate will be used. But I foresee that the introduction of these provisions in the bill, while unnecessary, if my view of the acts of 1795 and 1807 be correct, will be industriously, and, to a certain extent, successfully used as a topic to inflame the jealousies, and mislead the sympathies of a generous people, and to add to the irritation and excitement already unhappily existing in a large section of the Union. I would make no new provision of this sort, therefore, till an overt act had been committed. And then, I verily believe with Mr. Jefferson, that a republican Government would show itself as strong, in a good sense, as any on earth: "At the call of the law, every man would fly to the standard of the law, and the defence of public order would be considered by every citizen as his individual concern."

While I am thus ready for one, Mr. President, to give my assent to such measures as may be necessary and proper for maintaining the authority of the laws, we shall all unite, I trust, in removing the just causes of complaint which have arisen against their operation. The necessity of a new adjustment of the tariff is felt and acknowledged by all, and affords the fit occasion for doing justice to every interest of the country which has been affected by it. Sir, this is the moment for the accomplishment of this great work of conciliation and peace. Let us meet each other in that "spirit of amity and mutual deference and concession, which the peculiarity of our political situation has rarely, if ever, rendered more indispensable" than now. Instead of coming together as hostile and rival clans, as has, unhappily, been too frequently the case in relation to this subject, let us meet and consult for the common good, as members of one great family, recollecting that the interest of each is the good of the whole, and the good of the whole the interest of each. For one, I pledge myself to meet gentlemen in this American spirit; to regard the interests of the North as well as the South; to embrace, as far as I can, the permanent and lasting good of all; which in nothing, in my opinion, is more deeply concerned than in the present settlement of this distracting question, and in the final extirpation of that germ of discord which has been planted in all our relations, social and political.

It is time, Mr. President, to put an end to our unhappy divisions. It has been my fortune, in another situation, to witness the effects they have produced on the character and consideration of our Government abroad, and on the generous efforts of the friends of liberty in other parts of the world. Sir, my heart has swollen with a pride and exultation, which can be appreciated only by those who have felt them in a foreign land, when I have heard my country the theme of every tongue; its institutions, with the glorious results of liberty and happiness they have produced, the subject of universal envy and admiration; rebuking, on the one hand, the gloomy spirit of despotism, and animating, on the other, the generous aspirations of freedom. But, in a few short months, how has this scene been changed! The language of admiration and respect lost in that of indifference and distrust; the votaries of liberty discouraged and confounded; the disciples of legitimacy exulting in the failure of the only system of free government which ever promised a perfect success; all Europe filled with predictions of the speedy dissolution of our Union, and consigning us henceforward to the same rank of impotence and anarchy as the unhappy and distracted States of the southern parts of our own continent.

These have been the bitter fruits of our divisions abroad. What have they been at home? In the midst of unexampled prosperity, anxiety and alarm pervading every bosom; that sacred union, in regard to which we were taught by the father of our country to "discountenance whatever might suggest even a suspicion that it could, in any event, be abandoned," openly questioned and decried, and millions trembling for its fate. Sir, let us put an end to these divisions; let us disappoint the malignant predictions of the enemies of free government; let us restore confidence to the patriot at home, and hope to the votary of freedom abroad. I do, in my conscience, believe that the preservation of the Union is our only security for liberty. If we are to be broken into separate confederacies, constant wars and collisions with each other must ensue, out of which will grow up large military establishments, perpetual and burdensome taxes, an overshadowing Executive power; and, amid these deleterious influences, what hope can there be that liberty would survive?

It is here, I confess, that I see the danger of military despotism; and not where the imagination of the Senator from South Carolina [Mr. Calhoun] has found it. Is not the actual condition of South Carolina, in this respect, an impressive admonition to us on the subject? The whole State converted into a camp; the Executive and other authorities armed with dictatorial powers; the rights of conscience set at naught, and an unsparing proscription ready to disfranchise one-half of her population. Sir, this is but a prefiguration of the evils and calamities to which every portion of this country would be destined, if the Union should be dissolved. Let us then rally around that sacred Union, fixing it anew, and establishing it forever on the immutable basis of equal justice, of mutual amity and kindness, and an administration at once firm and paternal. Let us do this, and we shall carry back peace to our distracted country, happiness to the affrighted fireside, restore stability to our threatened institutions, and give hope and confidence once more to the friends of liberty throughout the world. Let us do this, and we shall be, in short, what a bountiful Providence has heretofore made us, and designed us forever to remain—the freest and happiest people under the sun.

The Senate then took a recess until 5 o'clock.

EVENING SESSION.

The Senate resumed the bill further to provide for the collection of duties on imports.

Mr. SMITH moved to amend the bill in the seventh line of the fifth section, by striking out the words "will in any event," and inserting the word "shall."

The amendment was agreed to.

Mr. FOOT moved to amend the first section by inserting words, the effect of which is to allow the bonding of goods, instead of enforcing the payment of cash duties.

The proposition was opposed by Mr. HOLMES, Mr. WEBSTER, Mr. SMITH, Mr. WILKINS, Mr. EWING, and supported by Mr. FOOT, Mr. CALHOUN, Mr. SPRAGUE.

The amendment was rejected.

Mr. CLAY moved to amend the bill in the first section, by striking out the words "either upon land or on board any vessel."

Mr. C. considered that the idea of having a customhouse on board a vessel was ludicrous.

Mr. WEBSTER said he could imagine a case in which such a provision might be necessary. He did not agree that the proposition was ludicrous, but he saw no great reason to object to the motion.

Mr. WILKINS said a few words to the same effect, offering no opposition to the motion.

Mr. S. WRIGHT was opposed to the striking out the words.

After a few words from Mr. HOLMES, Mr. FORSYTH, and Mr. POINDEXTER, Mr. MILLER asked for the yeas and nays, which were ordered, and stood:

YEAS.—Messrs. Clay, Calhoun, Ewing, Foot, Holmes, Mangum, Miller, Moore, Poindexter, Prentiss, Tomlinson, Tyler, Webster, Wilkins—14.

NAYS.—Messrs. Bell, Benton, Black, Chambers, Clayton, Dallas, Dickerson, Dudley, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Johnston, Knight, Naudain, Robbins, Ruggles, Seymour, Smith, Sprague, Tipton, Wright, White—24.

Mr. EWING then moved the following amendment:

Strike out all between the word "petition," in the ninth line, and the word "court," inclusive, and insert "circuit court of the United States in and for the district in which the defendant may have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate signed by an attorney or counsellor at law of some court of record of the State in which such suit shall have been commenced, or of the United States, setting forth that, as counsel for the petitioner, he has examined the proceedings against him, and has carefully inquired as to all the matters set forth in the petition, and that he believes the same to be true; which petition, affidavit, and certificate, shall be presented to the said circuit court, if in session, and, if not, to the clerk thereof, at his office, and shall be filed in said office; and the cause shall thereupon be entered on the docket of said court, and shall thereafter be proceeded in as a cause originally commenced in that court. And it shall be the duty of the clerk of said court, if the suit were commenced in the court below by summons, to issue a writ of *certiorari* to the State court, requiring them to send to the said circuit court the record and proceedings in said cause; or if it were commenced by *capias*, he shall issue a writ of *habeas corpus cum causâ*, a duplicate of which said process shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district or his deputy, or by some one by him duly authorized thereto. And thereupon it shall be the duty of the said State court to stay all further proceedings in said cause; and the said suit or prosecution, upon delivery of the said process, or leaving the same as aforesaid, shall be deemed or taken to be removed to the said circuit court; and any further proceedings, trial, or judgment therein, in the State court, shall be wholly null and void. And if the defendant in any such suit be in actual custody on *mesne* process thereon, it shall be the duty of the marshal, by virtue of the writ of *habeas corpus cum causâ*, to take the body of such defendant forthwith into his custody, to be dealt with in the said cause according to the rules of law and the order of the said court, or of any judge thereof, in vacation."

Mr. E. made a brief explanation of his views in moving this amendment.

Mr. WEBSTER expressed his readiness to accept the amendment.

The amendment was then agreed to.

Mr. BLACK moved to amend the sixth section in the seventh line, by inserting, after the word "places," the words "within the limits of the said State."

The amendment was agreed to.

Mr. POINDEXTER moved to strike out, in the first section, the words "or assemblages of persons," in the fourth line.

Mr. GRUNDY explained, that unless the "assemblages of persons" are "unlawful," they will not be within the reach of the bill.

Mr. POINDEXTER replied, that it was left to the President to determine the fact.

The question was then put on Mr. POINDEXTER's amendment, and decided as follows:

YEAS.—Messrs. Benton, Black, Calhoun, Clay, Foot, Mangum, Miller, Moore, Poindexter, Tyler—10.

NAYS.—Messrs. Bell, Chambers, Clayton, Dickerson, Dudley, Ewing, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Naudain, Prentiss, Rives, Robbins, Ruggles, Seymour, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins, White, Wright—27.

Mr. POINDEXTER moved to amend the bill in the first section, in the seventh line, after the words "to execute the revenue laws," by inserting the words "at any port of entry and delivery established within the State of South Carolina."

Mr. P. explained, that his object was to make the clause a perfect response to the message of the President.

The yeas and nays were ordered on this motion; and, the question being taken, was decided as follows:

YEA.—Mr. Poindexter—1.

NAYS.—Messrs. Bell, Black, Chambers, Clayton, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Mangum, Naudain, Prentiss, Rives, Robbins, Ruggles, Seymour, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins, White, Wright—30.

Mr. POINDEXTER moved to amend the section in the twenty-first line, by striking out the words "or combination or assemblages of persons."

The amendment was negatived.

Mr. POINDEXTER moved to amend the section by striking out the words, in the twenty-fifth line, "United States," and inserting the words "several States, by requisitions on the Governor of one or more States," so as to make the sentence read "to employ such part of the land or naval forces, or militia of the several States, by requisitions," &c.

The question was then put, and the amendment negatived, as follows:

YEAS.—Messrs. Calhoun, Forsyth, Mangum, Miller, Moore, Poindexter, Tyler—7.

NAYS.—Messrs. Chambers, Clayton, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Naudain, Prentiss, Rives, Robbins, Ruggles, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, White, Wilkins, Wright—25.

Mr. CALHOUN then stated that he had waited to see if any other members of the committee wished to speak on this bill. Wishing himself to be heard on the bill, he would move that the Senate now adjourn; and

The Senate adjourned.

FRIDAY, FEBRUARY 15.

REVENUE COLLECTION BILL.

The Senate having resumed the consideration of the bill to provide further for the collection of duties on imports—

Mr. CALHOUN rose. He knew not, he said, which was most objectionable, the provision of the bill, or the temper in which its adoption had been urged. If the extraordinary powers with which the bill proposed to clothe the Executive, to the utter prostration of the constitution and the rights of the States, be calculated to impress our minds with alarm at the rapid progress of despotism in our country, the zeal with which every circumstance calculated to misrepresent or exaggerate the conduct of Carolina in the controversy was seized on, with a view to excite hostility against her, but too plainly indicated the deep decay of that brotherly feeling which once existed between these States, and to which we are indebted for our beautiful federal system. It was not his intention, he said, to advert to all these misrepresentations; but there were some so well calculated to mislead the mind as to the real character of the controversy, and to hold up the State in a light so odious, that he did not feel himself justified in permitting them to pass unnoticed.

Among them, one of the most prominent was the false statement that the object of South Carolina was to exempt herself from her share of the public burdens, while she participated in the advantages of the Government. If the charge were true, if the State were capable of being actuated by such low and unworthy motives, mother as he considered her, he would not stand up on this floor to vindicate her conduct. Among her faults, (and faults he would not deny she had,) no one had ever yet charged her with that low and most sordid of vices, avarice. Her conduct on all occasions had been marked with the very opposite quality. From the commencement of the revolution, from its first breaking out at Boston till this hour, no State had been more profuse of its blood in the cause of the country; nor had any contributed so largely to the common treasury, in proportion to her wealth and population. She had in that proportion contributed more to the exports of the Union, on the exchange of which, with the rest of the world, the greater portion of the public burden had been levied, than any other State. No, the controversy was not such as had been stated; the State did not seek to participate in the advantages of the Government without contributing her full share to the public treasury. Her object was far different. A deep constitutional question lay at the bottom of the controversy. The real question at issue is, has the Government a right to impose burdens on the capital and industry of one portion of the country, not with a view to revenue, but to benefit another? And he must be permitted to say that, after the long and deep agitation of this controversy, it was with surprise that he perceived so strong a disposition to misrepresent its real character. To correct the impressions which those misrepresentations were calculated to make, he would dwell on the point under consideration for a few moments longer.

The Federal Government has, by an express provision of the constitution, the right to lay duties on imports. The State has never denied or resisted this right, nor even thought of so doing. The Government has, however, not been contented with exercising this power as she had a right to do, but had gone a step beyond it, by laying imposts, not for revenue, but for protection. This the State considered as an unconstitutional exercise of power, highly injurious and oppressive to her and the other staple States, and had accordingly met it with the most determined resistance. He did not intend to enter, at this time, into the argument as to the unconstitutionality of the protective system. It was not necessary. It is sufficient that the power is no where granted; and that, from the journals of the convention which formed the constitution, it would seem that it had been refused. In support of the journals, he might cite the statement of Luther Martin, which had been already referred to, to show that the convention, so far from conferring the power on the Federal Government, had left to the State the right to impose duties on imports, with the express view of enabling the several States to protect their own manufactures. Notwithstanding this, Congress had assumed, without any warrant from the constitution, the right of exercising this most important power, and had so exercised it as to impose a ruinous burden on the labor and capital of the State, by which her resources were exhausted, the enjoyments of her citizens curtailed, the means of education contracted, and all her interests essentially and injuriously affected. We have been sneeringly told that she was a small State; that her population did not much exceed half a million of souls; and that more than one-half were not of the European race. The facts were so. He knew she never could be a great State, and that the only distinction to which she could aspire must be based on the moral and intellectual acquirements of her sons. To the development of these, much of her attention had been directed; but this restrictive system, which had so unjustly exacted the proceeds of her labor, to be bestowed on other sections, had so impaired the resources of the State, that, if not speedily arrested, it would dry up the means of education, and, with it, deprive her of the only source through which she could aspire to distinction.

There was another misstatement as to the nature of the controversy so frequently made in debate, and so well calculated to mislead, that he felt bound to notice it. It has been said that South Carolina claims the right to annul the constitution and laws of the United States; and to rebut this supposed claim, the gentleman from Virginia [Mr. RIVES] has gravely quoted the constitution, to prove that the constitution, and the laws made in pursuance thereof, are the supreme law of the land; as if the State claimed the right to act contrary to this provision of the constitution. Nothing can be more erroneous: her object is not to resist laws made in pursuance of the constitution, but those made without its authority, and which encroach on her reserved powers. She claims not even the right of judging of the delegated powers, but of those that are reserved; and to resist the former when they encroach upon the latter. He would pause to illustrate this important point.

All must admit that there are delegated and reserved powers; and that the powers reserved are reserved to the States respectively. The powers, then, of the Government are divided between the General and the State Governments; and the point immediately under consideration is, whether a State has any right to judge as to the extent of its reserved powers, and to defend them against the encroachments of the General Government. Without going deeply into this point, at this stage of the argument, or looking into the nature and origin of the Government, there was a simple view of the subject which he considered as conclusive. The very idea of a divided power implied the right, on the part of the State, for which he contended. The expression was metaphorical when applied to power. Every one readily understands that the division of matter consists in the separation of the parts. But, in this sense, it was not applicable to power. What, then, is meant by a division of power? He could not conceive of a division, without giving an equal right to each to judge of the extent of the power allotted to each. Such right he held to be essential to the existence of a division; and that to give to either party the conclusive right of judging, not only the share allotted to it, but of that allotted to the other, was to annul the division, and would confer the whole power on the party vested with such right. But it is contended that the constitution has conferred on the Supreme Court the right of judging between the States and the General Government. Those who make this objection overlooked, he conceived, an important provision of the constitution. By turning to the tenth amended article of the constitution, it will be seen that the reservation of power to the States is not only against the powers delegated to Congress, but against the United States themselves; and extends, of course, as well to the Judiciary as to the other departments of the Government.

The article provides that all powers, not delegated to the United States, or prohibited by it to the States, are reserved to the States respectively, or to the people. This presents the inquiry, what powers are delegated to the United States? They may be classed under four divisions: First, those that are delegated by the States to each other, by virtue of which the constitution may be altered or amended by three-fourths of the States, when, without which, it would have required the unanimous vote of all. Next, the powers conferred on Congress; then those on the President; and, finally, those on the judicial department—all of which are particularly enumerated in the parts of the constitution which organize the respective departments. The reservation of powers to the States is, as he had said, against the whole, and is as [illegible] the judicial as it is against the executive and [illegible] departments of the Government. It could [illegible]med for the one without claiming it for the who[illegible]out, in fact, annulling this important provision [illegible]titution. Against this, as it appeared to him, [illegible] view of the subject, it has been urged that th[illegible] expressly conferred on the Supreme Court [illegible]tion of the constitution which provides that the [illegible]ower shall extend to all cases in law and equity a[illegible] the constitution, the laws of the United Sta[illegible]aties made under their authority. He believe[illegible]tion to be utterly destitute of any foundation[illegible]ously was the intention of the constitution sim[illegible] the judicial power commensurate with the l[illegible] and treaty-making powers, and to vest it wi[illegible]t of applying the constitution, the laws, and [illegible], to the cases which might arise under them; [illegible]make it the judge of the constitution, the laws, [illegible]aties themselves. In fact, the power of apply[illegible] to the facts of the case, and deciding upon s[illegible]tion, constitutes, in truth, the judicial power. [illegible]ction between such power and that of judgi[illegible] laws would be perfectly apparent when we a[illegible]at is the acknowledged power of the court [illegible]e to treaties or compacts between sovereigns. [illegible]ectly established that the courts have no right [illegible] the violation of treaties; and that, in referenc[illegible] their power is limited to the right of judgin[illegible] the violation of rights under them; and that th[illegible] judging of infractions belongs exclusively to t[illegible]themselves, and not to the courts; of which [illegible]n example in the French treaty, which was d[illegible] Congress null and void, in consequence of its [illegible]y the Government of France. Without such [illegible], had a French citizen sued a citizen of this co[illegible] of it, treaty, the court could have taken no c[illegible] have infraction; nor, after such a declaration, [illegible] heard any argument or proof going to sho[illegible]treaty had not been violated.

The declaration, of itself, was conclus[illegible] court. But it would be asked, how the court ob[illegible]power to pronounce a law or treaty uncons[illegible]they come in conflict with that instrument? [illegible] that it possesses the right, but [illegible]d incede that it was derived from [illegible] the origin in the necessity of the case. [illegible]d to two or more rules established, [illegible] the other from a lower authority, [illegible]ease flict, in applying them to a [illegible]ould could not avoid pronouncing in favor [illegible] the inferior. It was from this necessity, [illegible] alone, that the power which is now set up to over[illegible]le the rights of the States, against an express provision [illegible] the constitution, was derived. It had no other origin. That he had traced it to its true source, would be manife[illegible]om the fact, that it was a power which, so far from bein[illegible]nferred ex-

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country; and the heavy war duties were still in existence.
Under these circumstances, the question was presented,
what point the duties ought to be reduced? That ques-
tion involved another—at what time the debt ought to be
paid? which was a question of policy, involving in its
consideration all the circumstances connected with the
then condition of the country. Among the most promi-
nent arguments in favor of an early discharge of the debt
was, that the high duties which it would require to effect
it [illegible] the same time the effect of sustaining the
[illegible] which had been forced up under the
[illegible] which he had adverted. This view of
[illegible] decided influence in determining in fa-
[illegible] of the debt. The sinking fund
[illegible] from seven to ten millions of dol-
[illegible] apply the surplus which might
[illegible], as a contingent appropriation to
[illegible] duties were graduated to meet this in-
creas[illegible]ture. It was thus that the policy and jus-
tice o[illegible]ng the large amount of capital and indus-
try, w[illegible] been diverted by the measures of the Gov-
ernme[illegible]w channels, as he had stated, was com-
bined [illegible] fiscal action of the Government; and
which [illegible] secured a prompt payment of the debt,

prevented the immense losses to the manufacturers which would have followed a sudden and great reduction. Still, revenue was the main object, and protection but the incidental. The bill to reduce the duties was reported by the Committee of Ways and Means, and not of Manufactures; and it proposed a heavy reduction on the then existing rate of duties. But what, of itself, without other evidence, was decisive as to the character of the bill, is the fact that it fixed a much higher rate of duties on the unprotected than on the protected article. He would enumerate a few leading articles only: woollen and cotton, above the value of twenty-five cents on the square yard, though they were the leading objects of protection, were subject to a permanent duty of only twenty per centum. Iron, another leading article among the protected, had a protection of not more than nine per cent. as fixed by the act, and of but fifteen as reported in the bill. These rates were all below the average duties as fixed in the act, including the protected, the unprotected, and even the free articles. Mr. C. said he had entered into some calculations in order to ascertain the average rate of duties in the act. There was some uncertainty in the data, but he felt assured that it was not less than thirty per cent. ad valorem; showing an excess of the average duties, above that imposed on the protected articles enumerated, of more than ten per cent.; and thus clearly establishing the character of the measure, that it was for revenue and not protection.

Looking back, even at this distant period, with all our experience, he perceived but two errors in the act; the one in reference to iron, and the other the minimum duties on coarse cottons. As to the former, he conceived that the bill, as reported, proposed a duty relatively too low, which was still further reduced in its passage through Congress. The duty, at first, was fixed at seventy-five cents the hundredweight; but in the last stage of its passage, it was reduced; by a sort of caprice, occasioned by an unfortunate motion, to forty-five cents. This injustice was severely felt in Pennsylvania—the State, above all others, most productive of iron; and was the principal cause of that great re-action which has since thrown her so decidedly on the side of the protective policy. The other error was that as to coarse cottons, on which the duty was as much too high as that on iron was too low. It introduced, besides, the obnoxious minimum principle, which has since been so mischievously extended; and to that extent he was constrained, in candor, to acknowledge, as he wished to disguise nothing, the protective principle was recognised by the act of 1816. How this was overlooked at the time, it is not in his power to say. It escaped his observation, which he can account for only on the ground that the principle was then new, and that his attention was engaged by another important subject—the question of the currency, then so urgent, and with which, as chairman of the committee, he was particularly charged. With these exceptions, he again repeated, he saw nothing in the bill to condemn. Yet it was on the ground that the members from the State had voted for that bill, that the attempt is now made to hold up South Carolina as responsible for the whole system of protection which has since followed, though she has resisted its progress in every stage. Was there ever greater injustice? And how was it to be accounted for, but as forming a part of that systematic misrepresentation and calumny which has been directed for so many years, without interruption, against that gallant and generous State? And why has she thus been assailed? Merely because she abstained from taking any part in the Presidential canvass; believing that it had degenerated into a mere system of imposition on the people; controlled, almost exclusively, by those whose object it was to obtain the patronage of the Government, and that without regard to principle or policy. Standing apart from what she considered a contest in which the public had no interest, she has been assailed by both parties, with a fury altogether unparalleled; but which, pursuing the course which she believed liberty and duty required, she has met with a firmness equal to the fierceness of the assault. In the midst of this attack, he had not escaped. With a view of inflicting a wound on the State, through him, he had been held up as the author of the protective system, and one of its most strenuous advocates. It was with pain that he alluded to himself on so deep and grave a subject as that now under discussion; and which, he sincerely believed, involved the liberty of the country, He now regretted, that under the sense of injustice, which the remarks of a Senator from Pennsylvania [Mr. WILKINS] excited for the moment, he had hastily given his pledge to defend himself against the charge which had been made in reference to his course in 1816; not that there would be any difficulty in repelling the charge, but because he felt a deep reluctance in turning the discussion, in any degree, from a subject of so much magnitude, to one of so little importance as the consistency or inconsistency of himself, or any other individual, particularly in connexion with an event so long since passed. But for this hasty pledge, he would have remained silent as to his own course on this occasion; and would have borne, with patience and calmness, this, with the many other misrepresentations with which he had been so incessantly assailed for many years.

The charge that he was the author of the protective system had no other foundation but that he, in common with the almost entire South, gave his support to the tariff of 1816. It is true that he advocated that measure, for which he might rest his defence, without taking any other, on the ground that it was a tariff for revenue, and not for protection; which he had established beyond the power of controversy. But his speech on the occasion had been brought in judgment against him, by the Senator from Pennsylvania. He had since cast his eyes over the speech; and he would surprise, he had no doubt, the Senator, by telling him that, with the exception of some hasty and unguarded expressions, he retracted nothing he had uttered on that occasion. He only asked that he might be judged in reference to it, in that spirit of fairness and justice which was due to the occasion; taking into consideration the circumstances under which it was delivered, and bearing in mind that the subject was a tariff for revenue and not for protection; for reducing and not raising the revenue. But, before he explained the then condition of the country, from which his main arguments in favor of the measure were drawn, it was nothing but an act of justice to himself, that he should state a fact in connexion with his speech, that was necessary to explain what he had called hasty and unguarded expressions. His speech was an impromptu; and, as such, he apologized to the House, as appears from the speech as printed, for offering his sentiments on the question, without having duly reflected on the subject, It was delivered at the request of a friend, when he had not previously the least intention of addressing the House; he alluded to Samuel D. Ingham, then, and now, as he was proud to say, a personal and political friend; a man of talents and integrity; with a clear head and firm and patriotic heart; then among the leading members of the House; in the palmy state of his political glory, though now for a moment depressed—depressed, did he say? no! it was his State which was depressed; Pennsylvania, and not Samuel D. Ingham! Pennsylvania, which had deserted him under circumstances, which, instead of depressing, ought to have elevated him in her estimation. He came to me, said Mr. C., when sitting at my desk, writing, and said that the House was falling into some confusion, accompanying it with a remark that I knew how difficult it was to rally so large a body when once broken on a tax bill, as had been experienced during the late war. Having a higher opinion of my influence [redacted] deserved, he requested me to say something to the confusion. I replied, said Mr. C., that I was what to say; that I had been busily engaged on rency, which was then in great confusion, and wh had stated, had been placed particularly un charge, as chairman of the committee on that subj repeated his request; and the speech which the from Pennsylvania has complimented so highly result.

He (Mr. C.) would ask, whether the facts stat not, in justice, to be borne in mind by those wh hold him accountable, not only for the general the speech, but for every word and sentence which it contained? But, said Mr. C., in asking this question, it was not his intention to repudiate the speech. All he asked was, that he might be judged by the rules which, in justice, belonged to the case. Let it be recollected that the bill was a revenue bill; and, of course, that it was constitutional. He need not remind the Senate, when the measure is constitutional, that all arguments calculated to show its beneficial operation may be legitimately pressed into service, without taking into consideration whether the subject to which the arguments refer be within the sphere of the constitution or not. If, for instance, a question were before the body to lay a duty on Bibles, and a motion be made to reduce the duty, or admit Bibles duty free; who could doubt that the argument in favor of the motion that the increased circulation of the Bibles would be in favor of the morality and religion of the country would be strictly proper? Or, who would suppose that he who had adduced it had committed himself, on the constitutionality of taxing the religion or morals of the country under the charge of the Federal Government? Again: Suppose the question to be to raise the duty on silk, or any other article of luxury, and that it should be supported on the ground that it was an article mainly consumed by the rich and extravagant; could it be fairly inferred that, in the opinion of the speaker, Congress had a right to pass sumptuary laws? He only asked that these plain rules be applied to his argument on the tariff of 1816. They turned almost entirely on the benefits which manufacturers conferred on the country in time of war, and which no one could doubt. The country had recently passed through such a state. The world was at that time deeply agitated by the effects of the great conflict which had so long raged in Europe, and which no one could tell how soon again might return. Bonaparte had but recently been overthrown; the whole southern part of this continent was in a state of revolution, and was threatened with the interference of the Holy Alliance, which, had it occurred, must almost necessarily have involved this country in a most dangerous conflict.

der these circumstances that he had delivered th Jackson's
in which he urged the House, that, in the adju f General
the tariff, reference ought to be had to a state nestly en-
well as peace; and that its provisions ought to b responsi-
the compound views of the two periods; makin he Senate
crifice in peace, in order that the less might b t without
war. Was this principle fal e? and, in urgin entreaty
commit himself to that system of oppression could in-
up, and which has for its object the enriching dered the
tion of the country at the expense of the other culated to

Mr. C. said, the plain rule in all such c ent of the
when a measure was proposed, the first thing t increase
tain its constitutionality: and, that being ry would
next was its expediency; which last opene the coun-
field of argument for and against. Every to situations,
urged, calculated to prove it wise or unwise of absorp-
bill to raise imposts; it must first be ascertain t of appro-
bill is based on the principles of revenue, a all the cor-
money raised is necessary for the wants of th to make a
These being ascertained, every argument, dir ch would

Style

direct, may be fairly offered, which may go to show that, under all the circumstances, the provisions of the bill are proper or improper. Had this plain and simple rule been adhered to, we should never have heard of the complaint of South Carolina. Her objection is not against the improper modification of a bill acknowledged to be for revenue; but that, under the name of imposts, a power, essentially different from the taxing power, is exercised; partaking much more of the character of a penalty than a tax. Nothing is more common than that things closely resembling in appearance should widely and essentially differ in their character. Arsenic, for instance, resembles flour; yet one is deadly poison, and the other that which constitutes the staff of life. So, duties imposed, whether for revenue or protection, may be called imposts; which, though nominally and apparently the same, yet differ essentially in their real character.

ANALOGY

Mr. C. said he should now return to his speech on the tariff of 1816. To determine what his opinions really were on the subject of protection at that time, it would be proper to advert to his sentiments before and after that period. His sentiments preceding 1816, on this subject, are matter of record. He came into Congress in 1812, a devoted friend and supporter of the then administration; yet one of his first efforts was to brave the administration, by opposing its favorite measure, the restrictive system—embargo, non-intercourse, and all—and that upon the principle of free trade. The system remained in fashion for a time; but after the overthrow of Bonaparte, he (Mr. C.) had reported a bill, from the Committee on Foreign Relations, to repeal the whole system of restrictive measures.

While the bill was under consideration, a worthy man, then a member of the House, [Mr. McKim, of Baltimore,] moved to except the non-importation act, which he supported on the ground of encouragement to manufactures. He (Mr. C.) resisted the motion on the very grounds on which Mr. McKim supported it. He maintained that the manufactures were then receiving, too much protection, and warned its friends that the withdrawal of the protection which the war and the high duties then afforded would cause great embarrassment; and that the true policy, in the mean time, was to admit foreign goods as freely as possible, in order to diminish the anticipated embarrassment on the return of peace; intimating, at the same time, his desire to see the tariff revised, with a view of affording a moderate and permanent protection.*

Such was his conduct before 1816. Shortly after that period he left Congress, and had no opportunity of making known his sentiments in reference to the protective system, which shortly after began to be agitated. But he had the most conclusive evidence that he considered the arrangement of the revenue in 1816 as growing out of [illegible]ty of the case, and due to the consideration [illegible] but that even at that early period he was not [illegible] fears that even that arrangement would lead [illegible]d future difficulties. He regretted that he was [illegible]ompelled to dwell so long on himself; but trust- it [illegible]tever censure might be incurred would not be [illegible]ainst him, but against those who had drawn his [illegible]o the controversy; and who might hope, by [illegible]tures, to wound the cause with which he [illegible] to be identified.

[illegible]t add, that all the Southern States voted with [illegible]lina in support of the bill; not that they had [illegible] in manufactures, but on the ground that they [illegible]ted the war, and, of course, felt a correspond- [illegible]ion to sustain those establishments which had [illegible]nder the encouragement it had incidentally af- [illegible]try, while most of the New England members were opposed to the measure, principally, as he believed, on opposite principles.

He had now, he trusted, satisfactorily repelled the charge against the State and himself personally, in reference to the tariff of 1816. Whatever support the State had given the bill had originated in the most disinterested motives.

There was not, within the limits of the State, so far as his memory served him, a single cotton or woollen establishment. Her whole dependence was on agriculture, and the cultivation of two great staples, rice and cotton. Her obvious policy was to keep open the market of the world unchecked and unrestricted; to buy cheap and to sell high; but, from a feeling of kindness, combined with a sense of justice, she added her support to the bill. We had been told by the agents of the manufacturers, that the protection which the measure afforded would be sufficient; to which we the more readily conceded, as it was considered as a final adjustment of the question.

Let us now, said Mr. C., turn our eyes forward, and see what has been the conduct of the parties to this arrangement. Have Carolina and the South disturbed this adjustment? No, they have never raised their voice in a single instance against it; even though this measure, moderate comparatively as it is, was felt with no inconsiderable pressure on their interests. Was this example imitated on the opposite side? Far otherwise. Scarcely had the President signed his name, before application was made for an increase of duties, which was repeated with demands continually growing, till the passage of the act of 1828. What course now, he would ask, did it become Carolina to pursue in reference to these demands? Instead of acquiescing in them, because she had acted generously in adjusting the tariff of 1816, she saw, in her generosity on that occasion, additional motives for that firm and decided resistance which she has since made against the system of protection. She accordingly commenced a systematic opposition to all further encroachments, which continued from 1818 till 1828, by discussions and by resolutions, by remonstrances and by protests, through her Legislature. These all proved insufficient to stem the current of encroachment; but, notwithstanding the heavy pressure on her industry, she never despaired of relief till the passage of the act of 1828—that bill of abominations, engendered by avarice and political intrigue. Its adoption opened the eyes of the State, and gave a new character to the controversy. Till then the question had been whether the protective system was constitutional and expedient; but after that, she no longer considered the question whether the right of regulating the industry of the States was a reserved or delegated power, but what right a State possesses to defend her reserved powers against the encroachments of the Federal Government; a question, on the decision of which, the value of all the reserved powers depends. The passage of the act of 1828, with all its objectionable features, and with the odious circumstances under which it was adopted, had almost, if not entirely, closed the door of hope through the General Government. It afforded conclusive evidence that no reasonable prospect of relief from Congress could be entertained; yet the near approach of the period of the payment of the public debt, and the elevation of General Jackson to the Presidency, still afforded a ray of hope; not so strong, however, as to prevent the State from turning her eyes, for a final relief, to her reserved powers.

Under these circumstances commenced that inquiry into the nature and extent of the reserved powers of a State, and the means which they afforded of resistance against the encroachments of the General Government, which has been pursued with so much zeal and energy, and, he might add, intelligence. Never was there a political discussion carried on with greater activity, and which appealed more directly to the intelligence of a community. Throughout the whole, no address was made to the low and vulgar passions. But, on the contrary, the discussion turned upon the higher principles of political economy, connected with the operations of the tariff system, which are calculated to show its real bearing on the interests of the State, and on the structure of our political system; going to show the true character of the relations between the States and the General Government; and the means which the States possess of defending those powers which they reserved in forming the Federal Government.

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* [illegible] C.'s speech in the National Intelligencer, April, [illegible] which

In this great canvass, men of the most commanding talents and acquirements engaged with the greatest ardor; and the people were addressed through every channel, by essays in the public press, and by speeches in their public assemblies, until they had become thoroughly instructed on the nature of the oppression, and on the rights which they possess, under the constitution, to throw them off.

If gentlemen suppose that the stand taken by the people of Carolina rests on passion and delusion, they are wholly mistaken. The case was far otherwise. No community, from the legislator to the ploughman, were ever better instructed in their rights; and the resistance on which the State had resolved was the result of mature reflection, accompanied with a deep conviction that their rights had been violated, and the means of redress which they have adopted are consistent with the principles of the constitution.

But while this active canvass was carried on, which looked to the reserved powers as their final redress, if all others failed, the State at the same time cherished a hope, as I have already stated, that the election of General Jackson to the Presidency would prevent the necessity of a resort to extremities. He was identified with the interests of the staple States; and, having the same interest, it was believed that his great popularity—a popularity of the strongest character, as it rested on military services—would enable him, as they hoped, gradually to bring down the system of protection, without shock or injury to any interest. Under these views, the canvass in favor of General Jackson's election to the Presidency was carried on with great zeal, in conjunction with that active inquiry into the reserved powers of the States, on which final reliance was placed. But little did the people of Carolina dream that the man whom they were thus striving to elevate to the highest seat of power would prove so utterly false to all their hopes. Man is, indeed, ignorant of the future; nor was there ever a stronger illustration of the observation than is afforded by the result of that election! The very event on which they had built their hopes has been turned against them; and the very individual to whom they looked as a deliverer, and whom, under that impression, they strove for so many years to elevate to power, is now the most powerful instrument in the hands of his and their bitterest opponents to put down them and their cause!

Scarcely had he been elected, when it became apparent, from the organization of his cabinet, and other indications, that all their hopes of relief through him were blasted. The admission of a single individual into the cabinet, under the circumstances which accompanied that admission, threw all into confusion. The mischievous influence over the President, through which this individual was admitted into the cabinet, soon became apparent. Instead of turning his eyes forward to the period of the payment of the public debt, which was then near at hand, and to the present dangerous political crisis, which was inevitable, unless averted by a timely and wise system of measures, the attention of the President was absorbed by mere party arrangements, and circumstances too disreputable to be mentioned here, except by the most distant allusion.

Here, Mr. C. said, he must pause for a moment to repel a charge which has been so often made, and which even the President has reiterated in his proclamation—the charge that he had been actuated, in the part which he had taken, by feelings of disappointed ambition. Mr. C. again repeated, that he deeply regretted the necessity of noticing himself in so important a discussion, and that nothing could induce him to advert to his own course but the conviction that it was due to the cause, at which a blow was aimed, through him. It was only in this view that he noticed it.

Mr. C. said it ill became the Chief Magistrate to make this charge. The course which the State had taken, and which had led to the present controversy between her and the General Government, was taken as far back as 1828, in the very midst of that severe canvass which placed him in power; and in that very canvass Carolina had openly avowed and zealously maintained these very principles which he now officially pronounces to be treason and rebellion. That was the period at which he ought to have spoken. Having remained silent then, and having, under his approval, implied by that silence, received the support and the vote of the State, he, (Mr. C.,) if a sense of decorum did not prevent it, might recriminate, with the double charge of deception and ingratitude. His object, however, was not to assail the President, but to defend himself against a most unfounded charge. The time alone, when he pursued the course upon which this charge of disappointed ambition is founded, will, of itself, repel it in the eye of every unprejudiced and honest man. The doctrine which he now sustains, under the present difficulties, he openly avowed and maintained immediately after the act of 1828, that "bill of abominations," as it has be[illegible]o often and properly termed. Was he at that period disappointed in any views of ambition which he might be supposed to entertain? He was Vice President of the United States, elected by an overwhelming majority. He was a candidate for re-election on the ticket with General Jackson himself, with a certain prospect of a triumphant success of that ticket, and with a fair prospect of the highest office to which an American citizen could aspire. What was his course under these prospects? Did he look to his own advancement, or to an honest and faithful discharge of his duty? Let facts speak for themselves. When the bill to which he had referred came from the other House to the Senate, the almost universal impression was, that its fate would depend upon his casting vote. It was known that, as the bill then stood, the Senate was nearly equally divided; and as it was a combined measure, originating with the politicians and manufacturers, and intended as much to bear upon the Presidential election as to protect manufacturers, it was believed that, as a stroke of political policy, its fate would be made to depend on his vote, in order to defeat General Jackson's election as well as his own. The friends of General Jackson were alarmed; and he (Mr. C.) was earnestly entreated to leave the chair, in order to avoid the responsibility, under the plausible argument that if the Senate should be equally divided, the bill would be lost without the aid of his casting vote. The reply to this entreaty was, that no consideration, personal to himself, could induce him to take such a course; that he considered the measure as of the most dangerous character, calculated to produce the most fearful crisis; that the payment of the public debt was just at hand, and that the great increase of revenue which it would pour into the treasury would accelerate the approach of that period; and that the country would be placed in the most trying of all situations, with an immense revenue, without the means of absorption upon any legitimate or constitutional object of appropriation, and would be compelled to submit to all the corrupting consequences of a large surplus, or to make a sudden reduction of the rates of duties, which would prove ruinous to the very interests which were then forcing the passage of the bill. Under these views he determined to remain in the chair, and, if the bill came to him, to give his casting vote against it; and, in doing so, to give his reasons, at large; but at the same time, he informed his friends that he would retire from the ticket, so that the election of General Jackson might not be embarrassed by any act of his. Sir, (said Mr. C.,) I was amazed at the folly and infatuation of that period. So completely absorbed was Congress in the game of ambition and avarice, from the double impulse of the manufacturers and politicians, that none but a few appeared to anticipate the present crisis at which now all are alarmed, but which is the inevitable result of what was then done. As to himself, he clearly foresaw what has since followed. The road of ambition lay open before him; he had but to follow the corrupt tendency of the times; but he chose to tread the rugged path of duty.

It was thus that the reasonable hope of relief through the election of General Jackson was blasted; but still, one other hope remained—that the final discharge of the public debt, an event near at hand, would remove our burden. That event would leave in the treasury a large surplus; a surplus that could not be expended under the most extravagant schemes of appropriation, having the least color of decency or constitutionality. That event at last arrived. At the last session of Congress, it was avowed on all sides, that the public debt, for all practical purposes, was in fact paid; the small surplus remaining being nearly covered by the money in the treasury and the bonds for duties which had already accrued; but with the arrival of this event, our last hope was doomed to be disappointed. After a long session of many months, and the most earnest effort on the part of South Carolina and the other Southern States to obtain relief, all that could be effected was a small reduction in the amount of the duties; but a reduction of such a character, that, while it diminished the amount of burden, distributed that burden more unequally that even the obnoxious act of 1828: reserving the principle adopted by the bill of 1816, of laying higher duties on the unprotected than the protected articles, by repealing almost entirely the duties laid upon the former, and imposing the burden almost entirely on the latter. It was thus, that instead of relief, instead of an equal distribution of the burdens and benefits of the Government, on the payment of the debt, as had been fondly anticipated, the duties were so arranged as to be, in fact, bounties on one side, and taxation on the other; and thus placing the two great sections of the country in direct conflict in reference to its fiscal action, and thereby letting in that flood of political corruption which threatens to sweep away our constitution and our liberty.

This unequal and unjust arrangement was pronounced, both by the administration, through its proper organ, the Secretary of the Treasury, and by the opposition, to be a permanent adjustment; and it was thus that all hope of relief through the action of the General Government terminated; and the crisis so long apprehended had at length arrived, at which the State was compelled to choose between absolute acquiescence in a ruinous system of oppression, or a resort to her reserved powers—powers of which she alone was the rightful judge, and which alone in this momentous juncture could save her. She determined on the latter.

The consent of two-thirds of her Legislature was necessary for the call of a convention, which was considered the only legitimate organ through which the people, in their sovereignty, could speak. After an arduous struggle, the State rights party succeeded; more than two-thirds of both branches of the Legislature favorable to a convention were elected; a convention was held, and the ordinance adopted. The convention was succeeded by a meeting of the Legislature, when the laws to carry the ordinance into execution were enacted; all of which had been communicated by the President, had been referred to the Committee on the Judiciary; and this bill is the result of their labor.

Having now, said Mr. C., corrected some of the prominent misrepresentations as to the nature of this controversy, and given a rapid sketch of the movement of the State in reference to it, he would next proceed to notice some objections connected with the ordinance, and the proceedings under it.

The first and most prominent of these is directed against what is called the test oath, which an effort has been made to render odious. So far from deserving the denunciation which had been levelled against it, he viewed this provision of the ordinance as but the natural result of the doctrines entertained by the State, and the position which she occupies. The people of that State believed that the Union is a union of States, and not of individuals; that it was formed by the States; and that the citizens of the several States were bound to it through the acts of their several States; that each State ratified the constitution for itself, and that it was only by such ratification of a State that any obligation was imposed upon the citizens. Thus believing, it was the opinion of the people of Carolina that it belonged to the State which had imposed the obligation to declare, in the last resort, the extent of that obligation, as far as her citizens were concerned; and this, upon the plain principles which exist in all analogous cases of compact between sovereign or political bodies. On this principle, the people of the State, acting in their sovereign capacity, in convention, precisely as they had adopted their own and the federal constitutions, had declared, by the ordinance, that the acts of Congress which had imposed duties under the authority to lay imposts, were acts, not for revenue, as intended by the constitution, but for protection, and therefore null and void. The ordinance, thus enacted by the people of the State themselves, acting as a sovereign community, was, to all intents and purposes, a part of the constitution of the State; and though of a peculiar character, was as obligatory on the citizens of that State as any portion of the constitution. In prescribing, then, the oath to obey the ordinance, no more was done than to prescribe an oath to obey the constitution. It was, in fact, but a particular oath of allegiance, and in every respect similar to that which is prescribed under the constitution of the United States to be administered to all officers of the State and Federal Governments; and was no more deserving the harsh and bitter epithets which had been heaped upon it, than that or any similar oath.

It ought to be borne in mind, that, according to the opinion which prevailed in Carolina, the right of resistance to the unconstitutional laws of Congress belongs to the State, and not to her individual citizens; and that, though the latter may, in a mere question of *meum* and *tuum*, resist, through the courts, an unconstitutional encroachment upon their rights, yet the final stand against usurpation rests not with them, but with the State of which they are members; and that such act of resistance by a State binds the conscience and allegiance of the citizen. But there appeared to be a general misapprehension as to the extent to which the State had acted under this part of the ordinance. Instead of sweeping every officer, by a general proscription of the minority, as has been represented in debate, as far as the knowledge of Mr. C. extends, not a single individual had been removed. The State had, in fact, acted with the greatest tenderness, all circumstances considered, towards citizens who differed from the majority; and, in that spirit, had directed the oath to be administered only in cases of some official act directed to be performed, in which obedience to the ordinance was involved.

It had been further objected that the State had acted

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precipitately. What! precipitately! after making a strenuous resistance for twelve years, by discussion here and in the other House of Congress; by essays in all forms; by resolutions, remonstrances, and protests on the part of her Legislature; and, finally, by attempting an appeal to the judicial power of the United States? He said attempting, for they had been prevented from bringing the question fairly before the court, and that by an act of that very majority in Congress which now upbraid them for not making that appeal; of that majority, who, on a motion of one of the members in the other House from South Carolina, refused to give to the act of 1828 its true title, that it was a protective, and not a revenue act. The State has never, it is true, relied upon that tribunal, the Supreme Court, to vindicate its reserved rights; yet they have always considered it as an auxiliary means of defence, of which they would gladly have availed themselves to test the constitutionality of protection, had they not been deprived of the means of doing so by the act of the majority.

Notwithstanding this long delay of more than ten years, under this continued encroachment of the Government, we now hear it on all sides, by friends and foes, gravely pronounced that the State has acted precipitately—that her conduct has been rash! That such should be the language of an interested majority, who, by means of this unconstitutional and oppressive system, are annually extorting millions from the South to be bestowed upon other sections, was not at all surprising. Whatever impedes the course of avarice and ambition will ever be denounced as rash and precipitate; and had South Carolina delayed her resistance fifty instead of twelve years, she would have heard from the same quarter the same language; but it was really surprising that those who were suffering in common with herself, and who have complained equally loud of their grievances, who had pronounced the very acts which she had asserted within her limits to be oppressive, unconstitutional, and ruinous, after so long a struggle—a struggle longer than that which preceded the separation of these States from the mother country—longer than the period of the Trojan war—should now complain of precipitancy! No, it is not Carolina which has acted precipitately, but her sister States, who have suffered in common with her, that have acted tardily. Had they acted as she has done, had they performed their duty with equal energy and promptness, our situation this day would be very different from what we now find it. Delays are said to be dangerous, and never was the maxim more true than in the present case—a case of monopoly. It is the very nature of monopolies to grow. If we take from one side a large portion of the proceeds of its labor, and give it to the other, the side from which we take must constantly decay, and that to which we give must prosper and increase. Such is the action of the protective system. It exacts from the South a large portion of the proceeds of its industry, which it bestows upon the other sections, in the shape of bounties to manufacturers and appropriations in a thousand forms—pensions, improvement of rivers and harbors, roads and canals, and in every shape that wit or ingenuity can devise. Can we, then, be surprised that the principle of monopoly grows, when it is so amply remunerated at the expense of those who support it? And this is the real reason of the fact which we witness: that all acts for protection pass with small minorities, but soon come to be sustained by great and overwhelming majorities. Those who seek the monopoly endeavor to obtain it in the most exclusive shape; and they take care, accordingly, to associate only a sufficient number of interests barely to pass it through the two Houses of Congress, on the plain principle that the greater the number from whom the monopoly takes, and the fewer on whom it bestows, the greater is the advantage to the monopolists. Acting in this spirit, we have often seen with what exact precision they count, adding wool to woollens, associating lead and iron, feeling their way until a bare majority is obtained, when the bill passes, connecting just as many interests as are sufficient to insure its success, and no more. In a short time, however, we have invariably found that this lean becomes a decided majority, under the certain operation which compels individuals to desert the pursuits which the monopoly has rendered unprofitable, that they may participate in those pursuits which it has rendered profitable. It is against this dangerous and growing disease that South Carolina has acted—a disease whose cancerous action would soon spread to every part of the system, had it not been speedily arrested.

There was another powerful reason why the action of the State could not be safely delayed. The public debt, as he had already stated, for all practical purposes, had already been paid; and, under the existing duties, a large annual surplus of many millions must come into the treasury. It was impossible to look at this state of things without seeing the most mischievous consequences; and, among others, if not speedily corrected, it would interpose powerful and almost insuperable obstacles to throwing off the burdens under which the South had been so long laboring. The disposition of the surplus would become a subject of a violent and corrupt struggle, and could not fail to rear up new and powerful interests in support of the existing system, not only in those sections which have been heretofore benefited by it, but even in the South itself. He could not but trace to the anticipation of this state of the treasury the sudden and extraordinary movements which had taken place at the last session in the Virginia Legislature, in which the whole South was vitally interested. It was impossible for any rational man to believe that that State could seriously have thought of effecting the scheme to which he alluded by her own resources, without powerful aid from the General Government.

It was next objected that the enforcing acts have legislated the United States out of South Carolina. He had already replied to this objection on another occasion, and would now but repeat what he then said—that they had been legislated out only to the extent that they had no right to enter. The constitution had admitted the jurisdiction of the United States within the limits of the several States only so far as the delegated powers authorized; beyond that they were intruders, and might rightfully be expelled; and that they had been efficiently expelled by the legislation of the State, through her civil process, as has been acknowledged on all sides in the debate, is only a confirmation of the truth of the doctrine for which the majority in Carolina had contended.

The very point at issue between the two parties there was, whether nullification was a peaceful and an efficient remedy against an unconstitutional act of the General Government, and which might be asserted as such through the State tribunals? Both parties agree that the acts against which it was directed are unconstitutional and oppressive. The controversy was only as to the means by which our citizens might be protected against the acknowledged encroachments on their rights. This being the point at issue between the parties, and the very object of the majority being an efficient protection of the citizens through the State tribunals, the measures adopted to enforce the ordinance of course received the most decisive character. We were not children, to act by halves. Yet, for acting thus efficiently, the State is denounced and this bill reported, to overrule, by military force, the civil tribunals and civil process of the State! Sir, said Mr. C., I consider this bill, and the arguments which have been urged on this floor in its support, as the most triumphant acknowledgment that nullification is peaceful and efficient, and so deeply entrenched in the principles of our system, that it cannot be assailed but by prostrating the constitution, and substituting the supremacy of military force in lieu of the supremacy of the laws. In fact, the advocates of this bill refute their own argument. They tell us that the ordinance is unconstitutional; that it infracts the constitution of South Carolina; although to him the objection appears absurd, as it was adopted by the very authority which adopted the constitution itself. They also tell us that the Supreme Court is the appointed arbiter of all controversies between a State and the General Government. Why, then, do they not leave this controversy to that tribunal? Why do they not confide to them the abrogation of the ordinance, and the laws made in pursuance of it, and the assertion of that supremacy which they claim for the laws of Congress? The State stands pledged to resist no process of the court. Why, then, confer on the President the extensive and unlimited powers provided in this bill? Why authorize him to use military force to arrest the civil process of the State? But one answer can be given. That, in a contest between the State and the General Governments, if the resistance be limited on both sides to the civil process, the State, by its inherent sovereignty, standing upon its reserved powers, will prove too powerful in such a controversy, and must triumph over the Federal Government, sustained by its delegated and limited authority; and, in this answer, we have an acknowledgment of the truth of those great principles for which the State has so firmly and nobly contended.

Having made these remarks, the great question is now presented—has Congress the right to pass this bill?—which he would next proceed to consider. The decision of this question involves the inquiry into the provisions of the bill. What are they? It puts at the disposal of the President the army and navy, and the entire militia of the country. It enables him, at his pleasure, to subject every man in the United States, not exempt from militia duty, to martial law; to call him from his ordinary occupation to the field, and, under the penalty of fine and imprisonment inflicted by a court-martial, to imbrue his hand in his brothers' blood. There is no limitation on the power of the sword, and that over the purse is equally without restraint; for, among the extraordinary features of the bill, it contains no appropriation; which, under existing circumstances, is tantamount to an unlimited appropriation. The President may, under its authority, incur any expenditure, and pledge the national faith to meet it. He may create a new national debt, at the very moment of the termination of the former—a debt of millions, to be paid out of the proceeds of the labor of that section of the country whose dearest constitutional rights this bill prostrates! Thus exhibiting the extraordinary spectacle, that the very section of the country which is urging this measure, and carrying the sword of devastation against us, are at the same time incurring a new debt, to be paid by those whose rights are violated; while those who violate them are to receive the benefits, in the shape of bounties and expenditures.

And for what purpose is the unlimited control of the purse and of the sword thus placed at the disposition of the Executive? To make war against one of the free and sovereign members of this confederation, which the bill proposes to deal with, not as a State, but as a collection of banditti or outlaws. Thus exhibiting the impious spectacle of this Government, the creature of the States, making war against the power to which it owes its existence.

The bill violates the constitution, plainly and palpably, in many of its provisions, by authorizing the President, at his pleasure, to place the different ports of this Union on an unequal footing, contrary to that provision of the constitution which declares that no preference should be given to one port over another. It also violates the constitution by authorizing him, at his discretion, to impose cash duties in one port, while credit is allowed in others; by enabling the President to regulate commerce, a power vested in Congress alone; and by drawing within the jurisdiction of the United States courts powers never intended to be conferred on them. As great as these objections were, they became insignificant in the provisions of a bill which, by a single blow, by treating the States as a mere lawless mass of individuals, prostrates all the barriers of the constitution. He would pass over the minor considerations, and proceed directly to the great point. This bill proceeds on the ground that the entire sovereignty of this country belongs to the American people, as forming one great community; and regards the States as mere fractions or counties, and not as an integral part of the Union, having no more right to resist the encroachments of the Government than a county has to resist the authority of a State; and treating such resistance as the lawless acts of so many individuals, without possessing sovereign or political rights. It has been said that the bill declares war against South Carolina. No; it decrees a massacre of her citizens! War has something ennobling about it, and, with all its horrors, brings into action the highest qualities, intellectual and moral. It was, perhaps, in the order of Providence that it should be permitted for that very purpose. But this bill declares no war, except, indeed, it be that which savages wage—a war, not against the community, but the citizens of whom that community is composed. But he regarded it as worse than savage warfare—as an attempt to take away life under the color of law, without the trial by jury, or any other safeguard which the constitution has thrown around the life of the citizen! It authorizes the President, or even his deputies, when they may suppose the law to be violated, without the intervention of a court or jury, to kill without mercy or discrimination!

It was said by the Senator from Tennessee [Mr. GRUNDY] to be a measure of peace! Yes, such peace as the wolf gives to the lamb; the kite to the dove. Such peace as Russia gives to Poland; or death to its victim! A peace, by extinguishing the political existence of the State; by awing her into an abandonment of the exercise of every power which constitutes her a sovereign community. It is to South Carolina a question of self-preservation; and I proclaim it, that, should this bill pass, and an attempt be made to enforce it, it will be resisted at every hazard, even that of death itself. Death is not the greatest calamity; there are others still more terrible to the free and brave; and among them may be placed the loss of liberty and honor. There are thousands of her brave sons who, if need be, are prepared cheerfully to lay down their lives in defence of the State, and the great principles of constitutional liberty for which she is contending. God forbid that this should become necessary! It never can be, unless this Government is resolved to bring the question to extremity, when her gallant sons will stand prepared to perform their last duty—to die nobly.

I go (said Mr. C.) on the ground that this constitution was made by the States; that it is a federal union of the States, in which the several States still retain their sovereignty. If these views be correct, he had not characterized the bill too strongly, which presents the question, whether they be or be not. He would not enter into the discussion of that question now. He would rest it, for the present, on what he had said on the introduction of the resolutions now on the table, under a hope that another opportunity would be afforded for more ample discussion. He would for the present confine his remarks to the objections which had been raised to the views which he had presented when he introduced them. The authority of Luther Martin had been adduced by the Senator from Delaware, to prove that the citizens of a State, acting under the authority of a State, were liable to be punished as traitors by this Government. As eminent as Mr. Martin was as a lawyer, and as high as his authority might be considered on a legal point, he could not accept it in determining the point at issue. The attitude which he occupied, if taken into view, would lessen, if not destroy, the weight of his authority. He had been violently opposed, in convention, to the constitution; and the very letter from which the Senator has quoted was intended to dissuade Maryland from its adoption. With this view, it was to be expected that every consideration calculated to effect that object should be urged; that real objections should be exaggerated; and that those having no foundation, except mere plausible deductions, should be presented. It is to this spirit that he attributed the opinion of Mr. Martin, in reference to the point under consideration. But if his authority is good on one point, it must be admitted to be equally so on another. If his opinion be sufficient to prove that a citizen of the State may be punished as a traitor when acting under allegiance to the State, it is also sufficient to show that no authority was intended to be given, in the constitution, for the protection of manufactures by the General Government; and that the provision in the constitution, permitting a State to lay an impost duty with the consent of Congress, was intended to reserve the right of protection to the States themselves, and that each State should protect its own industry. Assuming his opinion to be of equal authority on both points, how embarrassing would be the attitude in which it would place the Senator from Delaware, and those with whom he is acting—that of using the sword and the bayonet to enforce the execution of an unconstitutional act of Congress. He must express his surprise that the slightest authority in favor of power should be received as the most conclusive evidence, while that which is at least equally strong in favor of right and liberty is wholly overlooked or rejected.

Notwithstanding all that has been said, he must say, that neither the Senator from Delaware, [Mr. Clayton,] nor any other who had spoken on the same side, had directly and fairly met the great questions at issue. Is this a federal union? a union of States, as distinct from that of individuals? Is the sovereignty in the several States, or in the American people in the aggregate? The very language which we are compelled to use, when speaking of our political institutions, affords proof conclusive as to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of States. They are never applied to an association of individuals. Who ever heard of the United State of New York, of Massachusetts, or of Virginia? Who ever heard the term federal, or union, applied to the aggregation of individuals into one community? Nor is the other point less clear, that the sovereignty is in the several States, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the States severally and the United States. In spite of all that has been said, he maintained that sovereignty is in its nature indivisible. It is the supreme power in a State; and we might just as well speak of half a square, or half of a triangle, as of half a sovereignty. It is a gross error to confound the exercise of sovereign powers with sovereignty itself; or the delegation of such powers with a surrender of them. A sovereign may delegate his powers to be exercised by as many agents as he may think proper, under such conditions and with such limitations as he may impose; but to surrender any portion of his sovereignty to another is to annihilate the whole. The Senator from Delaware [Mr. Clayton] calls this metaphysical reasoning, which he says he cannot comprehend. If by metaphysics he means that scholastic refinement which makes distinctions without difference, no one can hold it in more utter contempt than he, (Mr. C.;) but if, on the contrary, he means the power of analysis and combination, that power which reduces the most complex idea into its elements, which traces causes to their first principle, and, by the power of generalization and combination, unites the whole into one harmonious system—then, so far from deserving contempt, it is the highest attribute of the human mind. It is the power which raises man above the brute; which distinguishes his faculties from mere sagacity, which he holds in common with inferior animals. It is this power which has raised the astronomer from being a mere gazer at the stars to the high intellectual eminence of a Newton or a La Place; and astronomy itself, from a mere observation of insulated facts, into that noble science which displays to our admiration the system of the universe. And shall this high power of the mind, which has effected such wonders when directed to the laws which control the material world, be forever prohibited, under a senseless cry of metaphysics, from being applied to the high purpose of political science and legislation? He held them to be subject to laws as fixed as matter itself, and to be as fit a subject for the application of the highest intellectual power. Denunciation may indeed fall upon the philosophical inquirer into these first principles, as it did upon Galileo and Bacon, when they first unfolded the great discoveries which have immortalized their names; but the time will come when truth will prevail in spite of prejudice and denunciation, and when politics and legislation will be considered as much a science as astronomy and chemistry.

In connexion with this part of the subject, he understood the Senator from Virginia [Mr. Rives] to say that sovereignty was divided; that a portion remained with the States severally, and that the residue was vested in the Union. By Union, he supposed that the Senator meant the United States. If such be his meaning—if he intended to affirm that the sovereignty was in the twenty-four States, in whatever light he might view them, their opinions would not disagree; but, according to his (Mr. C.'s) conception, the whole sovereignty was in the several States, while the exercise of sovereign powers was divided, a part being exercised under compact, through this General Government, and the residue through the separate State Governments. But if the Senator from Virginia [Mr. Rives] meant to assert that the twenty-four States formed but one community, with a single sovereign power as to the objects of the Union, it would be but the revival of the old question, of whether the Union was a union between States, as distinct communities, or a mere aggregate of the American people, as a mass of individuals; and in this light his opinions would lead directly to consolidation.

But to return to the bill. It is said that the bill ought to pass, because the law must be enforced. The law must be enforced! The imperial edict must be executed. It is under such sophistry, couched in general terms, without looking to the limitations which must ever exist in the practical exercise of power, that the most cruel and despotic acts ever have been covered. It was such sophistry as this that cast Daniel into the lion's den, and the three innocents into the fiery furnace. Under the same sophistry, the bloody edicts of Nero and Caligula were executed. The law must be enforced! Yes, the "tea tax must be executed." This was the very argument which impelled Lord North and his administration in that mad career which forever separated us from the British crown. Under a similar sophistry, "that religion must be protected," how many massacres have been perpetrated? and how many martyrs have been tied to the stake? What! acting on this vague abstraction, are you prepared to enforce a law, without considering whether it be just or unjust, constitutional or unconstitutional? Will you collect money when it is acknowledged that it is not wanted? He who earns the money, who digs it from the earth with the sweat of his brow, has a just title to it against the universe. No one has a right to touch it without his consent, except his Government, and it only to the extent of its legitimate wants. To take more is robbery; and you propose by this bill to enforce the robbery by murder. Yes, to this result you must come by this miserable sophistry, this vague abstraction, of enforcing the law without a regard to the fact whether the law be just or unjust, constitutional or unconstitutional.

In the same spirit we are told that the Union must be preserved, without regard to the means. And how is it proposed to preserve the Union? By force! Does any man in his senses believe that this beautiful structure, this harmonious aggregate of States, produced by the joint consent of all, can be preserved by force? Its very introduction will be certain destruction of this Federal Union. No, no; you cannot keep the States united in their constitutional and federal bonds by force. Force may, indeed, hold the parts together; but such union would be the bond between master and slave; a union of exaction on one side, and of unqualified obedience on the other. That obedience which, we are told by the Senator from Pennsylvania, [Mr. Wilkins,] is the Union! Yes, exaction on the side of the master; for this very bill is intended to collect what can be no longer called taxes, (the voluntary contribution of a free people,) but tribute, tribute to be collected under the mouths of the cannon! Your custom-house is already transferred to a garrison, and that garrison with its batteries turned, not against the enemy of your country, but on subjects, (I will not say citizens,) on whom you propose to levy contributions. Has reason fled from our borders? Have we ceased to reflect? It is madness to suppose that the Union can be preserved by force. I tell you plainly that the bill, should it pass, cannot be enforced. It will prove only a blot upon your statute book, a reproach to the year, and a disgrace to the American Senate. I repeat that it will not be executed; it will rouse the dormant spirit of the people, and open their eyes to the approach of despotism. The country has sunk into avarice and political corruption, from which nothing could arouse it but some measure, on the part of the Government, of folly and madness, such as that now under consideration.

Disguise it as you may, the controversy is one between power and liberty; and he would tell the gentlemen who are opposed to him, that, strong as might be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles, where the love of liberty has prevailed against power, under every disadvantage; and, among them, few more striking than that of our own revolution; where, strong as was the parent country, and feeble as were the colonies, yet, under the impulse of liberty and the blessing of God, they gloriously triumphed in the contest. There were, indeed, many and striking analogies between that and the present controversy; they both originated substantially in the same cause, with this difference, that, in the present case, the power of taxation is converted into that of regulating industry; in that, the power of regulating industry, by the regulation of commerce, was attempted to be converted into the power of taxation. Were he to trace the analogy further, we would find that the perversion of the taxing power, in one case, has given precisely the same control to the northern section over the industry of the southern section of the Union, which the power to regulate commerce gave to Great Britain over the industry of the colonies; and that the very articles in which the colonies were permitted to have a free trade, and those in which the mother country had a monopoly, are almost identically the same as those under which the Southern States are permitted to have a free trade by the act of 1832, and which the Northern States have, by the same act, secured a monopoly; the only difference is in the means. In the former, the colonies were permitted to have a free trade with all countries south of Cape Finisterre, a cape in the northern part of Spain; while north of that the trade of the colonies was prohibited, except through the mother country, by means of her commercial regulations. If we compare the products of the country north and south of Cape Finisterre, we will find them almost identical with the list of the protected and unprotected articles contained in the act of last year. Nor does the analogy terminate here. The very arguments resorted to at the commencement of the American revolution, and the measures adopted, and the motives assigned to bring on that contest, (to enforce the law,) are almost identically the same.

But, said Mr. C., to return from this digression to the consideration of the bill. Whatever opinion may exist upon other points, there is one in which he would suppose there could be none: that this bill rests on principles which, if carried out, will ride over State sovereignties, and that it will be idle for any of its advocates hereafter to talk of State rights. The Senator from Virginia [Mr. Rives] says that he is the advocate of State rights; but he must permit me to tell him that, although he may differ in premises from the other gentlemen with whom he acts on this occasion, yet in supporting this bill he obliterates every vestige of distinction between him and them, saving only that, professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponents of the rights of the States. He would also add, what he was compelled to say, that he must consider him [Mr. Rives] as less consistent than our old opponents, whose conclusions were fairly drawn from their premises, whilst his premises ought to have led him to opposite conclusions. The gentleman has told us that the new-fangled doctrines, as he chose to call them, had brought State rights into disrepute. He must tell him, in reply, that what he called new-fangled are but the doctrines of '98; and that it is he, [Mr. Rives,] and others with him, who, professing these doctrines, had degraded them by explaining away their meaning and efficacy. He [Mr. Rives] had disclaimed, in behalf of Virginia, the authorship of nullification. Mr. C. would not dispute that point. If Virginia choose to throw away one of her brightest ornaments, she must not hereafter complain that it had become the property of another. But while, as a representative of Carolina, he had no right to complain of the disavowal of the Senator from Virginia, he must believe that he [Mr. Rives] had done his native State great injustice by declaring on this floor that, when she gravely resolved, in '98, that "in cases of deliberate and dangerous infractions of the constitution, the States, as parties to the compact, have the right, and are in duty bound, to interpose to arrest the progress of the evil, and to maintain, within their respective limits, the authorities, rights, and liberties appertaining to them," she meant no more than to ordain the right to protest and remonstrate. To suppose that, in putting forth such a solemn declaration, which she afterwards sustained by so able and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the State had been guilty of the most egregious trifling that ever was exhibited on so solemn an occasion.

Mr. C. said that, in reviewing the ground over which he had passed, it would be apparent that the question in controversy involved that most deeply important of all political questions, whether ours was a federal or a consolidated Government—a question on the decision of which depends, as he solemnly believed, the liberty of the people, their happiness, and the place which we are destined to hold in the moral and intellectual scale of nations. Never was there a controversy in which more important consequences were involved, not excepting that between Persia and Greece, decided by the battles of Marathon, Platea, and Salamis, which gave ascendancy to the genius of Europe over that of Asia, and which, in its consequences, has continued to affect the destiny of so large a portion of the world, even to this day. There is, said Mr. C., often close analogies between events apparently very emote, which is strikingly illustrated in this case. In the great contest between Greece and Persia, between European and Asiatic polity and civilization, the very question between the federal and consolidated form of government was involved. The Asiatic Governments, from the remotest time, with some exceptions on the eastern shore of the Mediterranean, have been based on the principle of consolidation, which considers the whole community as but a unit; and consolidates its powers in a central point. The opposite principle has prevailed in Europe; Greece, throughout all her States, was based on a federal system. All were united in one common but loose bond, and the Governments of the several States partook, for the most part, of a complex organization, which distributed political power among different members of the community. The same principles prevailed in ancient Italy; and, if we turn to the Teutonic race, our great ancestors, the race which occupies the first place in power, civilization, and science, and which possess the largest and the fairest part of Europe, we will find that their Governments were based on the federal organization, as has been clearly illustrated by a recent and able writer on the British constitution, (Mr. Palgrave,) from whose writings he introduced the following extract:

"In this manner the first establishment of the Teutonic States was effected. They were assemblages of sects, clans, and tribes; they were confederated hosts and armies, led on by princes, magistrates, and chieftains, each of whom was originally independent, and each of whom lost a portion of his pristine independence in proportion as he and his compeers became united under the supremacy of a sovereign, who was superinduced upon the State first as a military commander, and afterwards as a King. Yet, notwithstanding this political connexion, each member of the State continued to retain a considerable portion of the rights of sovereignty. Every ancient Teutonic monarchy must be considered as a federation; it is not a unit, of which the smaller bodies politic therein contained are the fractions, but they are the integers, and the State is the multiple which results from them. Dukedoms and counties, burghs and baronies, towns and townships, and shires, form the kingdom—all, in a certain degree, strangers to each other, and separate in jurisdiction, though all obedient to the supreme executive authority. This general description, though not always strictly applicable in terms, is always so substantially and in effect; and hence it becomes necessary to discard the language which has been very generally employed in treating on the English constitution. It has been supposed that the kingdom was reduced into a regular and gradual subordination of Government, and that the various legal districts of which it is composed arose from the divisions and subdivisions of the country. But this hypothesis, which tends greatly to perplex our history, cannot be supported by fact; and instead of viewing the constitution as a whole, and then proceeding to its parts, we must examine it synthetically, and assume that the supreme authorities of the State were created by the concentration of the powers originally belonging to the members and corporations of which it is composed." [Here Mr. C. gave way for a motion to adjourn.]

On the next day, Mr. C. proceeded by remarking that he had omitted at their proper place, in the course of his observations yesterday, two or three points to which he would now advert before he resumed the discussion where he had left off. He had stated that the ordinance and acts of South Carolina were directed, not against the revenue, but against the system of protection. But it might be asked, if such was her object, how happens it that she has declared the whole system void, revenue as well as protection, without discrimination? It is this question which he proposed to answer. Her justification would be found in the necessity of the case; and, if there be any blame, it could not attach to her. The two were so blended, throughout the whole, as to make the entire revenue system subordinate to the protection, so as constitute a complete system of protection, in which it was impossible to discriminate the two elements of which it is composed. South Carolina at least could not make the discrimination, and she was reduced to the alternative of acquiescing in a system which she believed to be unconstitutional, and which she felt to be oppressive and ruinous, or to consider the whole as one, equally contaminated through all its parts, by the unconstitutionality of the protective portion; and, as such, to be resisted by the act of the State. He maintained that the State had a right to regard it in the latter character, and that if a loss of revenue followed, the fault was not hers, but of this Government, which had improperly blended together, in a manner not to be separated by the State, two systems wholly dissimilar. If the sincerity of the State be doubted; if it be supposed that her action is against revenue as well as protection, let the two be separated; let so much of the duties as are intended for revenue be put in one bill, and the residue intended for protection be put in another; and he pledged himself that the ordinance and the acts of the State would cease as to the former, and be directed exclusively against the latter.

He had also stated, in the course of his remarks yesterday, and trusted he had conclusively shown, that the act of 1816, with the exception of a single item, to which he had alluded, was, in reality, a revenue measure, and that Carolina and the other States, in supporting it, had not incurred the slightest responsibility in relation to the system of protection which had since grown up, and which now so deeply distracts the country. Sir, said Mr. C., I am willing, as one of the representatives of Carolina, and I believe I speak the sentiment of the State, to take that act as the basis of a permanent adjustment of the tariff, simply reducing the duties, in an average proportion, on all the items, to the revenue point. I make that offer now to the advocates of the protective system; but I must, in candor, inform them, that such an adjustment would distribute the revenue between the protected and unprotected articles more favorably to the State, and to the South, and less so to the manufacturing interest, than an average uniform ad valorem; and, accordingly, more so than that now proposed by Carolina through her convention. After such an offer, no man who valued his candor will dare to accuse the State, or those who have represented her here, with inconsistency in reference to the point under consideration.

He omitted, also, on yesterday, to notice a remark of the Senator from Virginia, [Mr. Rives,] that the only difficulty in adjusting the tariff grew out of the ordinance and the acts of South Carolina. He must attribute an assertion, so inconsistent with the facts, to an ignorance of the occurrences of the last few years, in reference to this subject, occasioned by the absence of the gentleman from the United States, to which he himself has alluded in his remarks. If the Senator will take pains to inform himself, he will find that this protective system advanced with a continued and rapid step, in spite of petitions, remonstrances, and protests, of not only Carolina, but also of Virginia and of all the Southern States, until 1828; when Carolina, for the first time, changed the character of her resistance, by holding up her reserved rights as the shield of her defence against further encroachment. This attitude alone, unaided by a single State, arrested the further progress of the system; so that the question from that period to this, on the part of the manufacturers, has been, not how to acquire more, but to retain that which they have acquired. He would inform the gentleman, that if this attitude had not been taken on the part of the State, the question would not now be, how duties ought to be repealed, but a question as to the protected articles, between prohibition on one side, and the duties established by the act of 1828 on the other. But a single remark will be sufficient in reply to what he must consider the invidious remark of the Senator from Virginia, [Mr. RIVES.] The act of 1832, which has not yet gone into operation, and which was passed but a few months since, was declared by the supporters of the system to be a permanent adjustment; and the bill proposed by the Treasury Department, not essentially different from the act itself, was in like manner declared to be intended, by the administration, as a permanent arrangement. What has occurred since, except this ordinance, and these abused acts of the calumniated State, to produce this mighty revolution in reference to this odious system? Unless the Senator from Virginia can assign some other cause, he is bound, upon every principle of fairness, to retract this unjust aspersion upon the acts of South Carolina.

After noticing another omission, Mr. C. said he would proceed with his remarks. The Senator from Delaware, [Mr. CLAYTON,] as well as others, had relied with great emphasis on the fact, that we are citizens of the United States. I, said Mr. C., do not object to the expression, nor shall I detract from the proud and elevated feelings with which it is associated; but he trusted that he might be permitted to raise the inquiry, in what manner we are citizens of the United States, without weakening the patriotic feeling with which he trusted it would ever be uttered. If, by citizen of the United States he meant a citizen at large, one whose citizenship extended to the entire geographical limits of the country, without having a local citizenship in some State or Territory, a sort of citizen of the world, all he had to say was, that such a citizen would be a perfect nondescript; that not a single individual of this description could be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some State or Territory, and, as such, under an express provision of the constitution, is entitled to all privileges and immunities of citizens in the several States; and it is in this, and in no other sense, that we are citizens of the United States. The Senator from Pennsylvania, [Mr. DALLAS,] indeed, relies upon that provision in the constitution which gives Congress the power to establish a uniform rule of naturalization, and the operation of the rule actually established under this authority, to prove that naturalized citizens are citizens at large, without being citizens of any of the States. He did not deem it necessary to examine the law of Congress upon this subject, or to reply to the argument of the Senator, though he could not doubt that he [Mr. D.] had taken an entirely erroneous view on the subject It was sufficient that the powers of Congress extended simply to the establishment of a uniform rule, by which foreigners might be naturalized in the several States or Territories, without infringing, in any other respect, in reference to naturalization, the rights of the States, as they existed before the adoption of the constitution.

Having supplied the omissions of yesterday, Mr. C. now resumed the subject at the point where his remarks then terminated. The Senate would remember that he stated, at their close, that the great question at issue was, whether ours is a federal or a consolidated system of government; a system in which the parts, to use the emphatic language of Mr. Palgrave, are the integers, and the whole the multiple, or in which the whole is a unit, and the parts the fractions; that he had stated that on the decision of this question, he believed, depends not only the liberty and prosperity of this country, but the place which we are destined to hold in the intellectual and moral scale of nations. He had stated, also, in his remarks on this point, that there was a striking analogy between this and the great struggle between Persia and Greece, which had been decided by the battles of Marathon, Platea, and Salamis, and which had immortalized the names of Miltiades and Themistocles. He had illustrated this analogy, by showing that centralism, or consolidation, with the exception of a few nations along the eastern border of the Mediterranean, had been the pervading principle in the Asiatic Governments; while the federal principle, or, what is the same in principle, that system which organizes a community in reference to its parts, had prevailed in Europe.

Among the few exceptions in the Asiatic nations, the Government of the twelve tribes of Israel, in its early period, was the most striking. Their Government, at first, was a mere confederation, without any central power, till a military chieftain, with the title of King, was placed at its head, without, however, merging the original organization of the twelve distinct tribes. This was the commencement of that central action among that peculiar people, which, in three generations, terminated in a permanent division of their tribes. It is impossible even for a careless reader to peruse the history of that event without being forcibly struck with the analogy in the causes which led to their separation, and those which now threaten us with a similar calamity. With the establishment of the central power in the King commenced a system of taxation, which, under King Solomon, was greatly increased, to defray the expense of rearing the temple, of enlarging and embellishing Jerusalem, the seat of the central Government, and the other profuse expenditures of his magnificent reign. Increased taxation was followed by its natural consequences—discontent and complaint, which before his death began to excite resistance. On the succession of his son, Rehoboam, the ten tribes, headed by Jeroboam, demanded a reduction of the taxes; the temple being finished, and the embellishment of Jerusalem completed, and the money which had been raised for that purpose being no longer required, or, in other words, the debt being paid, they demanded a reduction of the duties—a repeal of the tariff. The demand was taken under consideration, and, after consulting the old men, (the counsellors of '98,) who advised a reduction, he then took the opinion of the younger politicians, who had since grown up, and knew not the doctrines of their fathers. He hearkened unto their counsel, and refused to make the reduction; and the secession of the ten tribes, under Jeroboam, followed. The tribes of Judah and Benjamin, which had received the disbursements, alone remained to the house of David.

But to return to the point immediately under consideration. He knew that it was not only the opinion of a large majority of our country, but it might be said to be the opinion of the age, that the very *beau ideal* of a perfect Government was the Government of a majority, acting through a representative body, without check or limitation in its power; yet if we may test this theory by experience and reason, we will find that, so far from being perfect, the necessary tendency of all Governments, based upon the will of an absolute majority, without constitutional check or limitation of power, is to faction, corruption, anarchy, and despotism; and this, whether the will of the majority be expressed directly through an assembly of the people themselves, or by their representatives. I know (said Mr. C.) that in venturing this assertion I utter that which is unpopular, both within and without these walls; but, where truth and liberty are concerned, such considerations should not be regarded. He would place the decision of this point on the fact, that no Government of the kind, among the many attempts which had been made, had ever endured for a single generation; but, on the contrary, had invariably experienced the fate which he had assigned to them. Let a single instance be pointed out, and he would surrender his opinion. But, if we had not the aid of experience to direct our judgment, reason itself would be a certain guide. The view which considers the community as a unit, and all its parts as having a similar interest, is radically erro-

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neous. However small the community may be, and however homogeneous its interests, the moment that Government is put into operation, as soon as it begins to collect taxes, and to make appropriations, the different portions of the community must, of necessity, bear different and opposing relations in reference to the action of the Government. There must inevitably spring up two interests—a direction and a stockholder interest; an interest profiting by the action of the Government, and interested in increasing its powers and action; and another at whose expense the political machine is kept in motion. He knew how difficult it was to communicate distinct ideas on such a subject, through the medium of general propositions, without particular illustration; and, in order that he might be distinctly understood, though at the hazard of being tedious, he would illustrate the important principle which he had ventured to advance by examples.

Let us then suppose a small community of five persons, separated from the rest of the world; and, to make the example strong, let us suppose them all to be engaged in the same pursuit, and to be of equal wealth. Let us further suppose that they determine to govern the community by the will of a majority; and, to make the case as strong as possible, let us suppose that the majority, in order to meet the expenses of the Government, lay an equal tax, say of one hundred dollars, on each individual of this little community. Their treasury would contain five hundred dollars. Three are a majority; and they, by supposition, have contributed three hundred as their portion, and the other two, (the minority,) two hundred. The three have the right to make the appropriations as they may think proper. The question is, how would the principle of the absolute and unchecked majority operate, under these circumstances, in this little community? If the three be governed by a sense of justice; if they should appropriate the money to the objects for which it was raised, the common and equal benefit of the five, then the object of the association would be fairly and honestly effected, and each would have a common interest in the Government. But, should the majority pursue an opposite course; should they appropriate the money in a manner to benefit their own particular interest, without regard to the interest of the two; (and that they will so act, unless there be some efficient check, he who best knows human nature will least doubt,) who does not see that the three and the two would have directly opposite interests, in reference to the action of the Government? The three, who contribute to the common treasury but three hundred dollars, could, in fact, by appropriating the five hundred to their own use, convert the action of the Government into the means of making money; and, of consequence, would have a direct interest in increasing the taxes. They put in three hundred, and take out five; that is, they take back to themselves all that they had put in; and, in addition, that which was put in by their associates; or, in other words, taking taxation and appropriation together, they have gained, and their associates have lost, two hundred dollars by the fiscal action of the Government. An opposite interest, in reference to the action of the Government, is thus created between them; the one having an interest in favor and the other against the taxes; the one to increase, and the other to decrease the taxes; the one to retain the taxes when the money is no longer wanted, and the other to repeal them when the objects for which they were levied have been executed.

Let us now suppose this community of five to be raised to twenty-four individuals, to be governed in like manner by the will of a majority; it is obvious that the same principle would divide them into two interests; into a majority and a minority, thirteen against eleven, or in some other proportion; and that all the consequences, which he had shown to be applicable to the small community of five, would be equally applicable to the greater; the cause not depending upon the number, but resulting necessarily from the action of the Government itself. Let us now suppose that, instead of governing themselves directly in an assembly of the whole, without the intervention of agents, they should adopt the representative principle; and that, instead of being governed by a majority of themselves, they should be governed by a majority of their representatives. It is obvious that the operation of the system would not be affected by the change; the representatives being responsible to those who choose them, would conform to the will of their constituents, and would act as they would do, were they present, and acting for themselves; and the same conflict of interest which we have shown would exist in one case, would equally exist in the other. In either case, the inevitable result would be a system of hostile legislation on the part of the majority, or the stronger interest, against the minority, or the weaker interest; the object of which, on the part of the former, would be to exact as much as possible from the latter, which would necessarily be resisted by all the means in their power. Warfare, by legislation, would thus be commenced between the parties, with the same object, and not less hostile, than that which is carried on between distinct and rival nations; the only distinction would be in the instruments and the mode. Enactments, in the one case, would supply what could only be effected by arms in the other; and the inevitable operation would be to engender the most hostile feelings between the parties, which would immerge every feeling of patriotism—that feeling which embraces the whole—and substitute in its place the most violent party attachment; and, instead of having one common centre of attachment, around which the affections of the community might rally, there would, in fact, be two; the interests of the majority, to which those who constitute that majority would be more attached than they would be to the whole, and that of the minority, to which they in like manner would also be more attached than to the interests of the whole. Faction would thus take the place of patriotism; and, with the loss of patriotism, corruption must necessarily follow; and, in its train, anarchy; and, finally, despotism, or the establishment of absolute power in a single individual, as a means of arresting the conflict of hostile interests; on the principle that it is better to submit to the will of a single individual, who, by being made lord and master of the whole community, would have an equal interest in the protection of all the parts.

Let us next suppose that, in order to avert the calamitous train of consequences, this little community should adopt a written constitution, with limitations restricting the will of the majority, in order to protect the minority against the oppressions which he had shown would necessarily result without such restrictions. It is obvious that the case would not be in the slightest degree varied, if the majority be left in possession of the right of judging exclusively of the extent of its powers, without any right on the part of the minority to enforce the restrictions imposed by the constitution on the will of the majority. The point is almost too clear for illustration. Nothing can be more certain than that when a constitution grants power, and imposes limitations on the exercise of that power, whatever interests may obtain possession of the Government will be in favor of extending the power at the expense of the limitation; and that, unless those in whose behalf the limitations were imposed have, in some form or mode, the right of enforcing them, the power will ultimately supersede the limitation, and the Government must operate precisely in the same manner as if the will of the majority governed without constitution or limitation of power.

He had thus presented all possible modes in which a Government, bound upon the will of an absolute majority, would be modified; and had demonstrated that, in all its forms, whether in a majority of the people, as in a mere democracy, or in a majority of their representatives, without a constitution, or with a constitution, to be interpreted as the will of the majority, the result would be the same: two hostile interests would inevitably be created by the action of the Government, to be followed by hostile legislation, and that by faction, corruption, anarchy, and despotism.

The great and solemn question here presented itself: Is there any remedy for these evils? on the decision of which depends the question, whether the people can govern themselves? which has been so often asked, with so much scepticism and doubt. There is a remedy, and but one, the effects of which, whatever may be the form, is to organize society in reference to this conflict of interests, which springs out of the action of Government; and which can only be done by giving to each part the right of self-protection; which, in a word, instead of considering the community of twenty-four as a single community, having a common interest, and to be governed by the single will of an entire majority, shall, upon all questions tending to bring the parts into conflict, the thirteen against the eleven, take the will, not of the twenty-four as a unit, but that of the thirteen and that of the eleven separately, the majority of each governing the parts; and, where they concur, governing the whole; and where they disagree, arresting the action of the Government. This he would call the concurring, as distinct from the absolute majority. It would not be, as was generally supposed, a minority governing a majority. In either way, the number would be the same, whether taken as the absolute, or as the concurring majority. Thus, the majority of the thirteen is seven, and of the eleven six, and the two together make thirteen, which is the majority of twenty-four. But though the number is the same, the mode of counting is essentially different; the one representing the stronger interest, and the other the weaker interest of the community. The first mistake was, in supposing that the Government of the absolute majority is the Government of this people; that *beau ideal* of a perfect Government, which had been so enthusiastically entertained in every age, by the generous and patriotic, where civilization and liberty had made the smallest progress. There could be no greater error; the Government of the people is the Government of the whole community; of the twenty-four; the self-government of all the parts; too perfect to be reduced to practice in the present, or any past stage of human society. The Government of the absolute majority, instead of the Government of the people, is but the Government of the strongest interests; and when not efficiently checked, is the most tyrannical and oppressive that can be devised. Between this ideal perfection on one side, and despotism on the other, none other can be devised but that which considers society, in reference to its parts, as differently affected by the action of the Government, and which takes the sense of each part separately, and thereby the sense of the whole in the manner already illustrated.

These principles, as he had already stated, are not affected by the number of which a community may be composed, and are just as applicable to one of thirteen millions, the number which composes ours, as of the small community of twenty-four, which I have supposed, for the purpose of illustration; and are not less applicable to the twenty-four States united in one community, than to the case of the twenty-four individuals. There is, indeed, a distinction between a large and a small community, not affecting the principle, but the violence of the action. In the former, the similarity of the interests of all the parts will limit the oppression from the hostile action of the parts, in a great degree, to the fiscal action of the Government merely; but in the large community, spreading over a country of great extent, and having a great diversity of interests, with different kinds of labor, capital, and production, the conflict and oppression will extend, not only to a monopoly of the appropriations, on the part of the stronger interests, but will end in unequal taxes, and a general conflict between the entire interests of conflicting sections, which, if not arrested by the most powerful checks, will terminate in the most oppressive tyranny that can be conceived, or in the destruction of the community itself.

If we turn our attention from these supposed cases, and direct it to our Government and its actual operation, we will find a practical confirmation of the truth of what has been stated, not only of the oppressive operation of the system of an absolute majority, but also a striking and beautiful illustration, in the formation of our system, of the principle of the concurring majority, as distinct from the absolute, which he had asserted to be the only means of efficiently checking the abuse of power, and, of course, the only solid foundation of constitutional liberty. That our Government, for many years, has been gradually verging to consolidation, that the constitution has gradually become a dead letter, and that all restrictions upon the power of Government have been virtually removed, so as practically to convert the General Government into a Government of an absolute majority, without check or limitation, cannot be denied by any one who has impartially observed its operation.

It is not necessary to trace the commencement and gradual progress of the causes which have produced this change in our system; it is sufficient to state that the change has taken place within the last few years. What has been the result? Precisely that which might have been anticipated--the growth of faction, corruption, anarchy, and, if not despotism itself, its near approach, as witnessed in the provisions of this bill. And from what have these consequences sprung? We have been involved in no war. We have been at peace with all the world. We have been visited with no national calamity. Our people have been advancing in general intelligence, and, I will add, great and alarming as has been the advance of political corruption, the morals and virtue of the community at large have been advancing in improvement. What, he would again repeat, is the cause? No other can be assigned but a departure from the fundamental principles of the constitution, which has converted the Government into the will of an absolute and irresponsible majority, and which, by the laws which must inevitably govern in all such majorities, have placed in conflict the great interests of the country, by a system of hostile legislation; by an oppressive and unequal imposition of taxes; by unequal and profuse appropriations; and by rendering the entire labor and capital of the weaker interest subordinate to the stronger.

This is the cause, and these the fruits, which have converted the Government into a mere instrument of taking money from one portion of the community to be given to another, and which has rallied around it a great, a powerful, and mercenary corps of office-holders, office-seekers, and expectants, destitute of principle and patriotism, and who have no standard of morals or politics but the will of the Executive--the will of him who has the distribution of the loaves and the fishes. He held it impossible for any one to look at the theoretical illustration of the principle of the absolute majority in the cases which he had supposed, and not be struck with the practical illustration in the actual operation of our Government. Under every circumstance, the majority will ever have its American system--(he meant nothing offensive to any Senator)--but the real meaning of the American system is, that system of plunder which the stronger interest ever waged, and will ever wage, against the weaker, where the latter is not armed with some efficient and constitutional check to arrest its action. Nothing but such check on the part of the weaker interest can arrest it; mere constitutional limitations are wholly inefficient. Whatever interest obtains possession of the Government will, from the nature of things, be in favor of the powers, and against the limitations imposed by the constitution, and will resort to every device that can be imagined to remove those restraints. On the contrary, the opposite interest, (that which he had designated as the stockholding interest) the tax payers, (those on whom the system operates,) will resist the abuse of powers, and contend for the limitations. And it is on that point, then, that the contest between the delegated and the reserved powers will be waged; but, in this contest, as the interests in possession of the Government are organized and armed by all its powers and patronage, the opposite interest, if not in like manner organized and possessed of a power to protect themselves under the provisions of the constitution, will be as inevitably crushed as would be a band of unorganized militia when opposed by a veteran and trained corps of regulars. Let it never be forgotten that power can only be opposed by power, organization by organization; and on this theory stands our beautiful federal system of government. No free system was ever farther removed from the principle that the absolute majority, without check or limitation, ought to govern. To understand what our Government is, we must look to the constitution, which is the basis of the system. He did not intend to enter into any minute examination of the origin and the source of its powers; it was sufficient for his purpose to state, what he did fearlessly, that it derived its power from the people of the separate States, each ratifying by itself, each binding itself by its own separate majority, through its separate convention, and the concurrence of the majorities of the several States forming the constitution; thus taking the sense of the whole by that of the several parts representing the various interests of the entire community. It was this concurring and perfect majority which formed the constitution, and not that majority which would consider the American people as a single community, and which, instead of representing fairly and fully the interests of the whole, would but represent, as has been stated, the interest of the stronger section. No candid man can dispute that he had given a correct description of the constitution-making power, that power which created and organized the Government; which delegated to it, as a common agent, certain powers, in trust for the common good of all the States; and which had imposed strict limitations and checks against abuses and usurpations. In administering the delegated powers, the constitution provides, very properly, in order to give promptitude and efficiency, that the Government should be organized upon the principle of the absolute majority, or rather of two absolute majorities combined; a majority of the States considered as bodies politic, which prevails in this body, and a majority of the people of the States, estimated in federal numbers, in the other House of Congress. A combination of the two prevails in the choice of the President; and, of course, in the appointment of judges; they being nominated by the President and confirmed by the Senate. It is thus that the concurring and the absolute majorities are combined in one complex system; the one in forming the constitution, and the other in making and executing the laws; thus beautifully blending the moderation, justice, and equity of the former and more perfect majority, with the promptness and energy of the latter, but less perfect.

To maintain the ascendancy of the constitution over the law-making majority is the great and essential point on which the success of the system must depend; unless that ascendancy can be preserved, the necessary consequence must be, that the laws will supersede the constitution; and, finally, the will of the Executive, by the influence of its patronage, will supersede the laws; indications of which are already perceptible. This ascendancy can only be preserved through the action of the States, as organized bodies, having their own separate Governments, and possessed of the right, under the structure of our system, of judging of the extent of their separate powers, and of interposing their authority to arrest the enactments of the General Government within their respective limits. He would not enter, at this time, into the discussion of this important point, as it had been ably and fully presented by the Senator from Kentucky, [Mr. Bibb,] and others who had preceded him in this debate, on the same side, whose arguments not only remained unanswered, but were unanswerable. It was only by this power of interpretation that the reserved rights of the States could be peacefully and efficiently protected against the encroachments of the General Government, that the limitations imposed upon its authority would be enforced, and its movements confined to the orbit allotted to it by the constitution.

It had, indeed, been said in debate, that this could be effected by the organization of the General Government itself, particularly by the action of this body, which represented the States; and that the States themselves must look to the General Government for the pre[illegible]tion of many of the most important of their [illegible] rights. Mr. C. said he did not underrate the value to be attached to the organic arrangement of the General Government, and the wise distribution of its powers between the several departments, and, in particular, the structure and the important functions of this body; but to suppose that the Senate, or any department of this Government, was intended to be the guardian of the reserved rights, was a great and fundamental mistake. The Government, through all its departments, represents the delegated and not the reserved powers; and it was a violation of the fundamental principle of free institutions, to suppose that any but the responsible representative of any interest could be its guardian. The distribution of the powers of the General Government, and its organization, were arranged to prevent the abuse of power, in fulfilling the important trusts confided to it; and not, as preposterously supposed, to protect the reserved powers, which are confided wholly to the guardianship of the several States.

Against the view of our system which he had presented, and the right of the State to interpose, it was objected, that it would lead to anarchy and dissolution. He considered the objection as without the slightest foundation; and that, so far from tending to weakness or disunion, it was the source of the highest power and of the strongest cement. Nor was its tendency in this respect difficult of explanation. The Government of an absolute majority, unchecked by efficient constitutional restraint, though apparently strong, was in reality an exceedingly feeble Government. That tendency to conflict between the parts, which he had shown to be inevitable in such Governments, wasted the powers of the State in the hostile action of contending factions, which left very little more power than the excess of the strength of the majority over the minority. But a Government based upon the principle of the concurring majority, where each great interest possessed within itself the means of self-protection, which ultimately requires the mutual consent of all the parts, necessarily causes that unanimity in counsel, and ardent attachment of all the parts to the whole, which gives an irresistible energy to a Government so constituted.

He might appeal to history for the truth of these remarks, of which the Roman furnished the most familiar and striking. It was a well known fact, that, from the expulsion of the Tarquins to the time of the establishment of the tribunarian power, the Government fell into a state of the greatest disorder and distraction, and, he might add, corruption. How did this happen? The explanation will throw important light on the subject under consideration. The community was divided into two parts, the patricians and the plebeians, with the powers of the State principally in the hands of the former, without adequate check to protect the rights of the latter. The result was as might be expected. The patricians converted the powers of the Government into the means of making money, to enrich themselves and their dependants. They, in a word, had their American system, growing out of the peculiar character of the Government and condition of the country. This requires explanation. At that period, according to the laws of nations, when one nation conquered another, the lands of the vanquished belonged to the victors; and, according to the Roman law, the lands thus acquired were divided into parts, one allotted to the poorer class of the people, and the other assigned to the use of the treasury, of which the patricians had the distribution and administration. The patricians abused their power, by withholding from the people that which ought to have been allotted to them, and by converting to their own use that which ought to have gone to the treasury. In a word, they took to themselves the entire spoils of victory, and they had thus the [illegible] powerful motive to keep the State perpetually involved in war, to the utter impoverishment and oppression of the people. After resisting the abuse of power by all peaceable means, and the oppression becoming intolerable, the people at last withdrew from the city; they, in a word, seceded; and, to induce them to reunite, the patricians conceded to the plebeians, as the means of protecting their separate interests, the very power which he contended is necessary to protect the rights of the States, but which is now represented as necessarily leading to disunion. They granted to the people the right of choosing three tribunes from among themselves, whose persons should be sacred, and who should have the right of interposing their veto, not only against the passage of laws, but even against their execution; a power which those who take a shallow insight into human nature would pronounce inconsistent with the strength and unity of the State, if not utterly impracticable. Yet, so far from that being the effect, from that day the genius of Rome became ascendant, and victory followed her steps till she had established an almost universal dominion.

How can a result so contrary to all anticipation be explained? The explanation appeared to him to be simple. No measure or movement could be adopted without the concurring consent of both the patricians and plebeians, and each thus became dependent on the other, and, of consequence, the desire and objects of neither could be effected without the concurrence of the other. To obtain this concurrence, each was compelled to consult the good will of the other, and to elevate to office not simply those who might have the confidence of the order to which he belonged, but also that of the other. The result was, that men possessing those qualities which would naturally command confidence, moderation, wisdom, justice, and patriotism, were elevated to office; and these, by the weight of their authority and the prudence of their counsel, together with that spirit of unanimity necessarily resulting from the concurring assent of the two orders, furnishes the real explanation of the power of the Roman State, and of that extraordinary wisdom, moderation, and firmness, which in so remarkable a degree characterized her public men. He might illustrate the truth of the position which he had laid down, by a reference to the history of all free States, ancient and modern, distinguished for their power and patriotism, and conclusively show not only that there was not one which had not some contrivance, under some form, by which the concurring assent of the different portions of the community was made necessary in the action of Government, but also that the virtue, patriotism, and strength of the State were in direct proportion to the strength of the means of securing such assent. In estimating the operation of this principle in our system, which depends, as he had stated, on the right of interposition on the part of the State, we must not omit to take into consideration the amending power, by which new powers may be granted, or any derangement of the system be corrected, by the concurring assent of three-fourths of the States; and thus, in the same degree, strengthening the power of repairing any derangement occasioned by the executive action of a State. In fact, the power of interposition, fairly understood, may be considered in the light of an appeal against the usurpations of the General Government, the joint agent of all the States, to the States themselves, to be decided, under the amending power, affirmatively, in favor of the Government, by the voice of three-fourths of the States, as the highest power known under the system.

Mr. C. said that he knew the difficulty, in our country, of establishing the truth of the principle for which he contended, though resting upon the clearest reason, and tested by the universal experience of free nations. He knew that the Governments of the several States would be cited as an argument against the conclusion to which he had arrived, and which, for the most part, were constructed on the principle of the absolute majority; but, in his opinion, a satisfactory answer could be given: that the objects of expenditure which fell within the sphere of a State Government were few and inconsiderable; so that, be their action ever so irregular, it could occasion but little derangement. If, instead of being members of this great confederacy, they formed distinct communities, and were compelled to raise armies, and incur other expenses necessary for their defence, the laws which he had laid down as necessarily controlling the action of a State, where the will of an absolute and unchecked majority prevailed, would speedily disclose themselves in faction, anarchy, and corruption. Even as the case is, the operation of the causes to which he had referred were perceptible in some of the larger and more populous members of the Union, whose Governments had a powerful central action, and which already showed a strong tendency to that moneyed action which is the invariable forerunner of corruption and convulsions.

But to return to the General Government; we have now sufficient experience to ascertain that the tendency to conflict in its action is between southern and other sections. The latter, having a decided majority, must habitually be possessed of the powers of the Government, both in this and in the other House; and, being governed by that instinctive love of power so natural to the human breast, they must become the advocates of the power of Government, and in the same degree opposed to the limitations; while the other and weaker section is as necessarily thrown on the side of the limitations. In one word, the one section is the natural guardian of the delegated powers, and the other of the reserved; and the struggle on the side of the former will be to enlarge the powers, while that on the opposite side will be to restrain them within their constitutional limits. The contest will, in fact, be a contest between power and liberty, and such he considered the present; a contest in which the weaker section, with its peculiar labor, productions, and situation, has at stake all that can be dear to freemen. Should they be able to maintain in their full vigor their reserved rights, liberty and prosperity will be their portion; but if they yield, and permit the stronger interest to consolidate within itself all the powers of the Government, then will its fate be more wretched than that of the aborigines whom they have expelled, or of their slaves. In this great struggle between the delegated and reserved powers, so far from repining that his lot and that of those whom he represented is cast on the side of the latter, he rejoiced that such is the fact; for though we participate in but few of the advantages of the Government, we are compensated, and more than compensated, in not being so much exposed to its corruption. Nor did he repine that the duty, so difficult to be discharged, as the defence of the reserved powers against, apparently, such fearful odds, had been assigned to them. To discharge successfully this high duty requires the highest qualities, moral and intellectual; and, should we perform it with a zeal and ability in proportion to its magnitude, instead of being mere planters, our section will become distinguished for its patriots and statesmen. But, on the other hand, if we prove unworthy of this high destiny, if we yield to the steady encroachment of power, the severest and most debasing calamity and corruption will overspread the land. Every Southern man, true to the interests of his section, and faithful to the duties which Providence has allotted him, will be forever excluded from the honors and emoluments of this Government, which will be reserved for those only who have qualified themselves, by political prostitution, for admission into the Magdalen Asylum.

Saturday, February 16.

REVENUE COLLECTION BILL.

The Senate having resumed the consideration of this bill, and Mr. Calhoun having concluded his speech against it, (as given entire above,)

Mr. **WEBSTER** rose. The gentleman from South Carolina, said Mr. W., has admonished us to be mindful of the opinions of those who shall come after us. We must take our chance, sir, as to the light in which posterity will regard us. I do not decline its judgment, nor withhold myself from its scrutiny. Feeling that I am performing my public duty with singleness of heart, and to the best of my ability, I fearlessly trust myself to the country, now and hereafter, and leave both my motives and my character to its decision.

The gentleman has terminated his speech in a tone of threat and defiance towards this bill, even should it become a law of the land, altogether unusual in the halls of Congress. But I shall not suffer myself to be excited into warmth by his denunciation of the measure which I support. Among the feelings which at this moment fill my breast, not the least is that of regret at the position in which the gentleman has placed himself. Sir, he does himself no justice. The cause which he has espoused finds no basis in the constitution; no succor from public sympathy; no cheering from a patriotic community. He has no foothold on which to stand, while he might display the powers of his acknowledged talents. Every thing beneath his feet is hollow and treacherous. He is like a strong man struggling in a morass; every effort to extricate himself only sinks him deeper and deeper. And I fear the resemblance may be carried still further; I fear that no friend can safely come to his relief, that no one can approach near enough to hold out a helping hand, without danger of going down himself, also, into the bottomless depths of this Serbonian bog.

The honorable gentleman has declared that on the decision of the question now in debate may depend the cause of liberty itself. I am of the same opinion; but then, sir, the liberty which I think is staked on the contest is not political liberty, in any general and undefined character, but our own, well understood, and long enjoyed American liberty.

Sir, I love liberty no less ardently than the gentleman, in whatever form she may have appeared in the progress of human history. As exhibited in the master States of antiquity, as breaking out again from amidst the darkness of the middle ages, and beaming on the formation of new communities in modern Europe, she has always and every where charms for me. Yet, sir, it is our own liberty, guarded by constitutions and secured by union; it is that liberty which is our paternal inheritance, it is our established, dear-bought, peculiar American liberty, to which I am chiefly devoted, and the cause of which I now mean, to the utmost of my power, to maintain and defend.

Mr. President, if I considered the constitutional question now before us as doubtful as it is important, and if I supposed that this decision, either in the Senate or by the country, was likely to be in any degree influenced by the manner in which I might now discuss it, this would be to me a moment of deep solicitude. Such a moment has once existed. There has been a time, when, rising in this place, on the same question, I felt, I must confess, that something for good or evil to the constitution of the country might depend on an effort of mine. But circumstances are changed. Since that day, sir, the public opinion has become awakened to this great question; it has grasped it, it has reasoned upon it, as becomes an intelligent and patriotic community; and has settled it, or now seems in the progress of settling it, by an authority which none can disobey—the authority of the people themselves.

I shall not, Mr. President, follow the gentleman, step by step, through the course of his speech. Much of what he has said he has deemed necessary to the just explanation and defence of his own political character and conduct. On this I shall offer no comment. Much, too, has consisted of philosophical remark upon the general nature of political liberty and the history of free institutions; and of other topics, so general in their nature, as to possess, in my opinion, only a remote bearing on the immediate subject of this debate.

But the gentleman's speech made some days ago, upon introducing his resolutions, those resolutions themselves, and parts of the speech now just concluded, may probably be justly regarded as comprising the whole South Carolina doctrine. That doctrine it is my purpose now to examine, and to compare it with the constitution of the United States. I shall not consent, sir, to make any new constitution, or to establish another form of government. I will not undertake to say what a constitution for these United States ought to be. That question the people have decided for themselves; and I shall take the instrument as they have established it, and shall endeavor to maintain it, in its plain sense and meaning, against opinions and notions which, in my judgment, threaten its subversion.

The resolutions introduced by the gentleman were apparently drawn up with care, and brought forward upon deliberation. I shall not be in danger, therefore, of misunderstanding him, or those who agree with him, if I proceed at once to these resolutions, and consider them as an authentic statement of those opinions, upon the great constitutional question, by which the recent proceedings in South Carolina are attempted to be justified.

These resolutions are three in number.

The third seems intended to enumerate, and to deny, the several opinions expressed in the President's proclamation, respecting the nature and powers of this Government. Of this third resolution, I propose at present to take no particular notice.

The first two resolutions of the honorable member affirm these propositions, viz:

1. That the political system under which we live, and under which Congress is now assembled, is a compact, to which the people of the several States, as separate and sovereign communities, are the parties.

2. That these sovereign parties have a right to judge, each for itself, of any alleged violation of the constitution by Congress; and, in case of such violation, to choose, each for itself, its own mode and measure of redress.

It is true, sir, that the honorable member calls this a "constitutional" compact; but still he affirms it to be a compact between sovereign States. What precise meaning, then, does he attach to the term "constitutional?" When applied to compacts between sovereign States, the term "constitutional" affixes to that word "compact" no definite idea. Were we to hear of a constitutional league or treaty between England and France, or a constitutional convention between Austria and Russia, we should not understand what could be intended by such a league, such a treaty, or such a convention. In these connexions, the word is void of all meaning; and yet, sir, it is easy, quite easy, to see why the honorable gentleman has used it in these resolutions. He cannot open the book and look upon our written frame of government, without seeing that it is called a constitution. This may well be appalling to him. It threatens his whole doctrine of compact, and its darling derivatives, nullification and secession, with instant confutation. Because, if he admits our instrument of government to be a constitution, then, for that very reason, it is not a compact between sovereigns; a constitution of government, and a compact between sovereign Powers, being things essentially unlike in their very natures, and incapable of ever being the same. Yet the word "constitution" is on the very front of the instrument. He cannot overlook it. He seeks, therefore, to compromise the matter, and to sink all the substantial sense of the word, while he retains a resemblance of its sound. He introduces a new word of his own, viz. "compact," as importing the principal idea, and designed to play the principal part, and degrades the constitution into an insignificant, idle epithet, attached to compact. The whole then stands as a "constitutional compact!" And in this way he hopes to pass off a plausible gloss, as satisfying the words of the instrument; but he will find himself disappointed. Sir, I must say to the honorable gentleman, that in our American political grammar, "constitution" is a noun substantive; it imports a distinct and clear idea, of itself; and it is not to lose its importance and dignity, it is not to be turned into a poor, ambiguous, senseless, unmeaning adjective, for the purpose of accommodating any new set of political notions. Sir, we reject his new rules of syntax altogether. We will not give up our forms of political speech to the grammarians of the school of nullification. By the constitution we mean not a "constitutional compact," but simply and directly the constitution, the fundamental law; and if there be one word in the language which the people of the United States understand, this is that word. We know no more of a constitutional compact between sovereign Powers, than we know of a constitutional indenture of copartnership, a constitutional deed of conveyance, or a constitutional bill of exchange. But we know what the constitution is; we know what the plainly written fundamental law is; we know what the bond of our Union and the security of our liberties is; and we mean to maintain and to defend it, in its plain sense and unsophisticated meaning.

The sense of the gentleman's proposition, therefore, is not at all affected, one way or the other, by the use of this word. That proposition still is, that our system of government is but a compact between the people of separate and sovereign States.

Was it Mirabeau, Mr. President, or what other master of the human passions, who has told us that words are things? They are indeed things, and things of mighty influence, not only in addresses to the passions and high-wrought feelings of mankind, but in the discussion of legal and political questions also; because a just conclusion is often avoided, or a false one reached, by the adroit substitution of one phrase or one word for another. Of this we have, I think, another example in the resolutions before us.

The first resolution declares that the people of the several States "acceded" to the constitution, or to the constitutional compact, as it is called. This word "accede," not found either in the constitution itself, or in the ratification of it by any one of the States, has been chosen for use here, doubtless not without a well-considered purpose.

The natural converse of accession is secession; and, therefore, when it is stated that the people of the States acceded to the Union, it may be more plausibly argued that they may secede from it. If, in adopting the constitution, nothing was done but acceding to a compact, nothing would seem necessary, in order to break it up, but to secede from the same compact. But the term is wholly out of place. Accession, as a word applied to political associations, implies coming into a league, treaty, or confederacy, by one hitherto a stranger to it; and secession implies departing from such league or confederacy. The people of the United States have used no such form of expression in establishing the present Government. They do not say that they accede to a league, but they declare that they ordain and establish a constitution. Such are the very words of the instrument itself; and in all the States, without an exception, the language used by their conventions was, that they "ratified the constitution;" some of them employing the additional words "assented to" and "adopted," but all of them "ratifying." There is more importance than may at first sight appear in the introduction of this new word by the honorable mover of these resolutions. Its adoption and use are indispensable to maintain those premises from which his main conclusion is to be afterwards drawn. But, before showing that, allow me to remark, that this phraseology tends to keep out of sight the just view of our previous political history, as well as to suggest wrong ideas as to what was actually done when the present constitution was agreed to. In 1789, and before this constitution was adopted, the United States had already been in a union, more or less close, for fifteen years. At least as far back as the meeting of the first Congress, in 1774, they had been, in some measure, and to some national purposes, united together. Before the confederation of 1781, they had declared independence jointly, and had carried on the war jointly, both by sea and land; and this, not as separate States, but as one people. When, therefore, they formed that confederation, and adopted its articles as articles of perpetual union, they did not come together for the first time; and, therefore, they did not speak of the States as acceding to the confederation, although it was a league, and nothing but a league, and rested on nothing but plighted faith for its performance. Yet, even then, the States were not strangers to each other; there was a bond of union already subsisting between them; they were associated, united States; and the object of the confederation was to make a stronger and better bond of union. Their representatives deliberated together on these proposed articles of confederation; and, being authorized by their respective States, finally "ratified and confirmed" them. Inasmuch as they were already in union, they did not speak of acceding to the new articles of confederation, but of ratifying and confirming them; and this language was not used inadvertently, because, in the same instrument, accession is used in its proper sense, when applied to Canada, which was altogether a stranger to the existing Union. "Canada," says the 11th article, "on acceding to this confederation, and joining in the measures of the United States, shall be admitted into the Union."

Having thus used the terms *ratify* and *confirm*, even in regard to the old confederation, it would have been strange, indeed, if the people of the United States, after its formation, and when they came to establish the present constitution, had spoken of the States, or of the people of the States, as acceding to this constitution. Such language would have been ill-suited to the occasion. It would have implied an existing separation or disunion among the States, such as never has existed since 1774. No such language, therefore, was used. The language actually employed is, "adopt," "ratify," "ordain," "establish."

Therefore, sir, since any State, before she can prove her right to dissolve the Union, must show her authority to undo what has been done, no State is at liberty to secede on the ground that she and other States have done nothing but accede. She must show that she has a right to reverse what has been ordained, to unsettle and overthrow what has been established, to reject what the people have adopted, and to break up what they have ratified; because these are the terms which express the transactions which have actually taken place. In other words, she must show her right to make a revolution.

If, Mr. President, in drawing these resolutions, the honorable member had confined himself to the use of constitutional language, there would have been a wide and awful hiatus between his premises and his conclusions. Leaving out the words "compact" and "accession," which are not constitutional modes of expression, and stating the matter precisely as the truth is, his first resolution would have affirmed that the people of the several States ratified this constitution or form of government. These are the very words of South Carolina herself in her own act of ratification. Let, then, his first resolution tell the exact truth; let it state the fact precisely as it exists; let it say that the people of the several States ratified a constitution, or form of government; and then, sir, what will become of his inference in his second resolution, which is in these words, viz: "That, as in all other cases of compact among sovereign parties, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress?" It is obvious, is it not, sir? that this conclusion requires for its support quite other premises; it requires premises which speak of accession and of compact between sovereign powers, and, without such premises, it is altogether unmeaning.

Mr. President, if the honorable member will truly state what the people did in forming this constitution, and then state what they must do if they would now undo what they then did, he will unavoidably state a case of revolution. Let us see if it be not so. He must state, in the first place, that the people of the several States adopted and ratified this constitution, or form of government; and, in the next place, he must state that they have a right to undo this; that is to say, that they have a right to discard the form of government which they have adopted, and to break up the constitution which they have ratified. Now, sir, this is neither more nor less than saying that they have a right to make a revolution. To reject an established Government, to break up a political constitution, is revolution.

I deny that any man can state, accurately, what was done by the people in establishing the present constitution, and then state, accurately, what the people, or any part of them, must now do to get rid of its obligations, without stating an undeniable case of the overthrow of Government. I admit, of course, that the people may, if they choose, overthrow the Government. But, then, that is revolution. The doctrine now contended for is, that by nullification or secession the obligations and authority of the Government may be set aside or rejected without revolution. But that is what I deny; and what I say is, that no man can state the case with historical accuracy, and in constitutional language, without showing that the honorable gentleman's right, as asserted in his conclusion, is a revolutionary right merely; that it does not and cannot exist under the constitution, or agreeably to the constitution, but can come into existence only when the constitution is overthrown. This is the reason, sir, which makes it necessary to abandon the use of constitutional language for a new vocabulary, and to substitute, in the place of plain historical facts, a series of assumptions. This is the reason why it is necessary to give new names to things: to speak of the constitution not as a constitution, but as a compact; and of the ratifications by the people not as ratifications, but as acts of accession.

Sir, I intend to hold the gentleman to the written record. In the discussion of a constitutional question, I intend to impose upon him the restraints of constitutional language. The people have ordained a constitution; can they reject it without revolution? They have established a form of government; can they overthrow it without revolution? These are the true questions.

Allow me now, Mr. President, to inquire further into the extent of the propositions contained in the resolutions, and their necessary consequences.

Where sovereign communities are parties, there is no essential difference between a compact, a confederation, and a league. They all equally rest on the plighted faith of the sovereign party. A league, or confederacy, is but a subsisting or continuing treaty.

The gentleman's resolutions, then, affirm, in effect, that these twenty-four United States are held together only by a subsisting treaty, resting for its fulfilment and continuance on no inherent power of its own, but on the plighted faith of each State; or, in other words, that our Union is but a league; and, as a consequence from this proposition, they further affirm that, as sovereigns are subject to no superior power, the States must decide, each for itself, of any alleged violation of the league; and if such violation be supposed to have occurred, each may adopt any mode or measure of redress which it shall think proper.

Other consequences naturally follow, too, from the main proposition. If a league between sovereign powers have no limitation as to the time of its duration, and contain nothing making it perpetual, it subsists only during the good pleasure of the parties, although no violation be complained of. If, in the opinion of either party, it be violated, such party may say that he will no longer fulfil its obligations on his part, but will consider the whole league or compact at an end, although it might be one of its stipulations that it should be perpetual. Upon this principle, the Congress of the United States, in 1798, declared null and void the treaty of alliance between the United States and France, though it professed to be a perpetual alliance.

If the violation of the league be accompanied with serious injuries, the suffering party, being sole judge of his own mode and measure of redress, has a right to indemnify himself by reprisals on the offending members of the league; and reprisals, if the circumstances of the case require it, may be followed by direct, avowed, and public war.

The necessary import of the resolutions, therefore, is, that the United States are connected only by a league; that it is in the good pleasure of every State to decide how long she will choose to remain a member of this league; that any State may determine the extent of her own obligations under it, and accept or reject what shall be decided by the whole; that she may also determine whether her rights have been violated, what is the extent of the injury done her, and what mode and measure of redress her wrongs may make it fit and expedient for her to adopt. The result of the whole is, that any State may secede at pleasure; that any State may resist a law which she herself may choose to say exceeds the power of Congress; and that, as a sovereign power, she may redress her own grievances by her own arm, at her own discretion; she may make reprisals; she may cruise against the property of other members of the league; she may authorize captures, and make open war.

If, sir, this be our political condition, it is time the people of the United States understood it. Let us look for a moment to the practical consequences of these opinions.

One State, holding an embargo law unconstitutional, may declare her opinion, and withdraw from the Union. She secedes. Another, forming and expressing the same judgment on a law laying duties on imports, may withdraw also. She secedes. And as, in her opinion, money has been taken out of the pockets of her citizens illegally, under pretence of this law, and as she has power to redress their wrongs, she may demand satisfaction; and, if refused, she may take it with a strong hand. The gentleman has himself pronounced the collection of duties, under existing laws, to be nothing but robbery. Robbers, of course, may be rightfully dispossessed of the fruits of their flagitious crimes; and, therefore, reprisals, impositions on the commerce of other States, foreign alliances against them, or open war, are all modes of redress justly open to the discretion and choice of South Carolina; for she is to judge of her own rights, and to seek satisfaction for her own wrongs, in her own way.

But, sir, a third State is of opinion not only that these laws of impost are constitutional, but that it is the absolute duty of Congress to pass and to maintain such laws; and that, by omitting to pass and maintain them, its constitutional obligations would be grossly disregarded. She relinquished the power of protection, she might allege, and allege truly, herself, and gave it up to Congress, on the faith that Congress would exercise it. If Congress now refuse to exercise it, Congress does, as she may insist, break the condition of the grant, and thus manifestly violate the constitution; and for this violation of the constitution, she may threaten to secede also. Virginia may secede, and hold the fortresses in the Chesapeake. The Western States may secede, and take to their own use the public lands. Louisiana may secede, if she choose, form a foreign alliance, and hold the mouth of the Mississippi. If one State may secede, ten may do so—twenty may do so—twenty-three may do so. Sir, as these secessions go on, one after another, what is to constitute the United States? Whose will be the army? Whose the navy? Who will pay the debts? Who fulfil the public treaties? Who perform the constitutional guaranties? Who govern this District and the Territories? Who retain the public property?

Mr. President, every man must see that these are all questions which can arise only after a revolution. They presuppose the breaking up of the Government. While the constitution lasts, they are repressed; they spring up to annoy and startle us only from its grave.

The constitution does not provide for events which must be preceded by its own destruction. Secession, therefore, since it must bring these consequences with it, is revolutionary. And nullification is equally revolutionary. What is revolution? Why, sir, that is revolution which overturns, or controls, or successfully resists the existing public authority; that which arrests the exercise of the supreme power; that which introduces a new paramount authority into the rule of the State. Now, sir, this is the precise object of nullification. It attempts to supersede the supreme legislative authority. It arrests the arm of the Executive Magistrate. It interrupts the exercise of the accustomed judicial power. Under the name of an ordinance, it declares null and void, within the State, all the revenue laws of the United States. Is not this revolutionary? Sir, so soon as this ordinance shall be carried into effect, a revolution will have commenced in South Carolina. She will have thrown off the authority to which her citizens have heretofore been subject. She will have declared her own opinions and her own will to be above the laws, and above the power of those who are intrusted with their administration. If she makes good these declarations, she is revolutionized. As to her, it is as distinctly a change of the supreme power as the American revolution of 1776. That revolution did not subvert Government in all its forms. It did not subvert local laws and municipal administrations. It only threw off the dominion of a power claiming to be superior, and to have a right, in many important respects, to exercise legislative authority. Thinking this authority to have been usurped or abused, the American colonies, now the United States, bade it defiance, and freed themselves from it by means of a revolution. But that revolution left them with their own municipal laws still, and the forms of local government. If Carolina now shall effectually resist the laws of Congress, if she shall be her own judge, take her remedy into her own hands, obey the laws of the Union when she pleases, and disobey them when she pleases, she will relieve herself from a paramount power as distinctly as did the American colonies in 1776. In other words, she will achieve, as to herself, a revolution.

But, sir, while practical nullification in South Carolina would be, as to herself, actual and distinct revolution, its necessary tendency must also be to spread revolution, and to break up the constitution, as to all the other States. It strikes a deadly blow at the vital principle of the whole Union. To allow State resistance to the laws of Congress to be rightful and proper, to admit nullification in some States, and yet not expect to see a dismemberment of the entire Government, appears to me the wildest illusion and the most extravagant folly. The gentleman seems not conscious of the direction or the rapidity of his own course. The current of his opinions sweeps him along, he knows not whither. To begin with nullification, with the avowed intent, nevertheless, not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara, and cry out that he would stop half-way down. In the one case, as in the other, the rash adventurer must go to the bottom of the dark abyss below, were it not that that abyss has no discovered bottom.

Nullification, if successful, arrests the power of the law, absolves citizens from their duty, subverts the foundation both of protection and obedience, dispenses with oaths and obligations of allegiance, and elevates another authority to supreme command. Is not this revolution? And it raises to supreme command four-and-twenty distinct powers, each professing to be under a General Government, and yet each setting its laws at defiance at pleasure. Is not this anarchy, as well as revolution? Sir, the constitution of the United States was received as a whole, and for the whole country. If it cannot stand altogether, it cannot stand in parts; and, if the laws cannot be executed every where, they cannot long be executed any where. The gentleman very well knows that all duties and imposts must be uniform throughout the country. He knows that we cannot have one rule or one law for South Carolina, and another for other States. He must see, therefore, and does see—every man sees—that the only alternative is a repeal of the laws throughout the whole Union, or their execution in Carolina as well as elsewhere. And this repeal is demanded, because a single State interposes her veto, and threatens resistance! The result of the gentleman's opinions, or rather the very text of his doctrine, is, that no act of Congress can bind all the States, the constitutionality of which is not admitted by all; or, in other words, that no single State is bound, against its own dissent, by a law of imposts. This was precisely the evil experienced under the old confederation, and for remedy of which this constitution was adopted. The leading object in establishing this Government, an object forced on the country by the condition of the times, and the absolute necessity of the law, was to give to Congress power to lay and collect imposts without the consent of particular States. The revolutionary debt remained unpaid; the national treasury was bankrupt; the country was destitute of credit; Congress issued its requisitions on the States, and the States neglected them; there was no power of coercion but war; Congress could not lay imposts, or other taxes, by its own authority; the whole General Government, therefore, was little more than a name. The articles of confederation, as to purposes of revenue and finance, were nearly a dead letter. The country sought to escape from this condition, at once feeble and disgraceful, by constituting a Government which should have power of itself to lay duties and taxes, and to pay the public debt, and provide for the general welfare; and to lay these duties and taxes in all the States, without asking the consent of the State Governments. This was the very power on which the new constitution was to depend for all its ability to do good; and, without it, it can be no Government, now or at any time. Yet, sir, it is precisely against this power, so absolutely indispensable to the very being of the Government, that South Carolina directs her ordinance. She attacks the Government in its authority to raise revenue, the very mainspring of the whole system; and, if she succeed, every movement of that system must inevitably cease. It is of no avail that she declares that she does not resist the law as a revenue law, but as a law for protecting manufactures. It is a revenue law; it is the very law by force of which the revenue is collected; if it be arrested in any State, the revenue ceases in that State; it is, in a word, the sole reliance of the Government for the means of maintaining itself and performing its duties.

Mr. President, the alleged right of a State to decide constitutional questions for herself necessarily leads to force, because other States must have the same right, and because different States will decide differently; and, when these questions arise between States, if there be no superior power, they can be decided only by the law of force. On entering into the Union, the people of each State gave up a part of their own power to make laws for themselves, in consideration that, as to common objects, they should have a part in making laws for other States. In other words, the people of all the States agreed to create a common Government, to be conducted by common councils. Pennsylvania, for example, yielded the right of laying imposts in her own ports, in consideration that the new Government, in which she was to have a share, should possess the power of laying imposts in all the States. If South Carolina now refuses to submit to this power, she breaks the condition on which other States entered into the Union. She partakes of the common councils, and therein assists to bind others, while she refuses to be bound herself. It makes no difference in the case whether she does all this without reason or pretext, or whether she sets up a reason that, in her judgment, the acts complained of are unconstitutional. In the judgment of other States, they are not so. It is nothing to them that she offers some reason or some apology for her conduct, if it be one which they do not admit. It is not to be expected that any State will violate her duty without some plausible pretext. That would be too rash a defiance of the opinion of mankind. But, if it be a pretext which lies in her own breast—if it be no more than an opinion which she says she has formed—how can other States be satisfied with this? How can they allow her to be judge of her own obligations? Or, if she may judge of her obligations, may they not judge of their rights also? May not the twenty-three entertain an opinion as well as the twenty-fourth? And, if it be their right, in their own opinion, as expressed in the common council, to enforce the law against her, how is she to say that her right and her opinion are to be every thing, and their right and their opinion nothing?

Mr. President, if we are to receive the constitution as the text, and then to lay down, in its margin, the contradictory commentaries which have been, and which may be made by different States, the whole page would be a polyglot indeed. It would speak with as many tongues as the builders of Babel, and in dialects as much confused, and mutually as unintelligible. The very instance now before us presents a practical illustration. The law of the last session is declared unconstitutional in South Carolina, and obedience to it is refused. In other States it is admitted to be strictly constitutional. You walk over the limits of its authority, therefore, when you pass the State line. On one side it is law; on the other side, a nullity; and yet it is passed by a common Government, having the same authority in all the States.

Such are the inevitable results of this doctrine. Beginning with the original error, that the constitution of the United States is nothing but a compact between sovereign States; asserting, in the next step, that each State has a right to be its own sole judge of the extent of its own obligations, and, consequently, of the constitutionality of laws of Congress; and, in the next, that it may oppose whatever it sees fit to declare unconstitutional, and that it decides for itself on the mode and measure of redress, the argument arrives at once at the conclusion that what a State dissents from, it may nullify; what it opposes, it may oppose by force; what it decides for itself, it may execute by its own power; and that, in short, it is, itself, supreme over the legislation of Congress, and supreme over the decisions of the national judicature; supreme over the constitution of the country, supreme over the supreme law of the land. However it seeks to protect itself against these plain inferences, by saying that an unconstitutional law is no law, and that it only opposes such laws as are unconstitutional, yet this does not, in the slightest degree, vary the result; since it insists on deciding this question for itself; and, in opposition to reason and argument, in opposition to practice and experience, in opposition to the judgment of others, having an equal right to judge, it says, only, "Such is my opinion, and my opinion shall be my law, and I will support it by my own strong hand. I denounce the law; I declare it unconstitutional; that is enough; it shall not be executed. Men in arms are ready to resist its execution. An attempt to enforce it shall cover the land with blood. Elsewhere, it may be binding; but here, it is trampled under foot."

This, sir, is practical nullification.

And now, sir, against all these theories and opinions, I maintain—

1. That the constitution of the United States is not a league, confederacy, or compact, between the people of the several States in their sovereign capacities; but a Government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

2. That no State authority has power to dissolve these relations; that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution.

3. That there is a supreme law, consisting of the constitution of the United States, acts of Congress passed in pursuance of it, and treaties; and that, in cases not capable of assuming the character of a suit in law or equity, Congress must judge of, and finally interpret, this supreme law, so often as it has occasion to pass acts of legislation; and, in cases capable of assuming, and actually assuming, the character of a suit, the Supreme Court of the United States is the final interpreter.

4. That an attempt by a State to abrogate, annul, or nullify an act of Congress, or to arrest its operation within her limits, on the ground that, in her opinion, such law is unconstitutional, is a direct usurpation on the just powers of the General Government, and on the equal rights of other States; a plain violation of the constitution, and a proceeding essentially revolutionary in its character and tendency.

Whether the constitution be a compact between States in their sovereign capacities, is a question which must be mainly argued from what is contained in the instrument itself. We all agree that it is an instrument which has been, in some way, clothed with power. We all admit that it speaks with authority. The first question then is, what does it say of itself? What does it purport to be? Does it style itself a league, confederacy, or compact between sovereign States? It is to be remembered, sir, that the constitution began to speak only after its adoption. Until it was ratified by nine States, it was but a proposal, the mere draught of an instrument. It was like a deed, drawn, but not executed. The convention had framed it; sent it to Congress, then sitting under the confederation; Congress had transmitted it to the State Legislatures; and by these last it was laid before conventions of the people in the several States. All this while it was inoperative paper. It had received no stamp of authority, no sanction; it spoke no language. But when ratified by the people in their respective conventions, then it had a voice, and spoke authentically. Every word in it had then received the sanction of the popular will, and was to be received as the expression of that will. What the constitution says of itself, therefore, is as conclusive as what it says on any other point. Does it call itself a compact? Certainly not. It uses the word "compact" but once, and that is when it declares that the States shall enter into no compact. Does it call itself a league, a confederacy, a subsisting treaty between the States? Certainly not. There is not a particle of such language in all its pages. But it declares itself a constitution. What is a constitution? Certainly not a league, compact, or confederacy, but a fundamental law. That fundamental regulation which determines the manner in which the public authority is to be executed, is what forms the constitution of a State. Those primary rules which concern the body itself, and the very being of the political society, the form of Government, and the manner in which power is to be exercised; all, in a word, which form together the constitution of a State—these are the fundamental laws. This, sir, is the language of the public writers. But do we need to be informed, in this country, what a constitution is? Is it not an idea perfectly familiar, definite, and well settled? We are at no loss to understand what is meant by the constitution of one of the States; and the constitution of the United States speaks of itself as being an instrument of the same nature. It says, this constitution shall be the law of the land, any thing in any State constitution to the contrary notwithstanding. And it speaks of itself, too, in plain contradistinction from a confederation; for it says that all debts contracted, and all engagements entered into by the United States, shall be as valid under this constitution as under the confederation. It does not say as valid under this compact, or this league, or this confederation, as under the former confederation; but as valid under this constitution.

This, then, sir, is declared to be a constitution. A constitution is the fundamental law of the State; and this is expressly declared to be the supreme law. It is as if the people had said, "we prescribe this fundamental law," or "this supreme law;" for they do say that they establish this constitution, and that it shall be the supreme law. They say that they ordain and establish it. Now, sir, what is the common application of these words? We do not speak of ordaining leagues and compacts. If this was intended to be a compact or league, and the States to be parties to it, why was it not so said? Why is there found no one expression in the whole instrument indicating such intent? The old confederation was expressly called a league; and into this league it was declared that the States, as States, severally entered. Why was not similar language used in the constitution, if a similar intention had existed? Why was it not said, "the States enter into this new league," "the States form this new confederation," or "the States agree to this new compact?" Or, why was it not said, in the language of the gentleman's resolution, that the people of the several States acceded to this compact in their sovereign capacities? What reason is there for supposing that the framers of the constitution rejected expressions appropriate to their own meaning, and adopted others wholly at war with that meaning?

Again, sir, the constitution speaks of that political system which it established as "the Government of the United States." Is it not doing strange violence to language to call a league or a compact between sovereign Powers a Government? The Government of a State is that organization in which the political power resides. It is the political being, created by the constitution or fundamental law. The broad and clear difference between a Government and a league or compact is, that a Government is a body politic; it has a will of its own; and it possesses powers and faculties to execute its own purposes. Every compact looks to some power to enforce its stipulations. Even in a compact between sovereign communities, there always exists this ultimate reference to a power to insure its execution; although, in such case, this power is but the force of one party against the force of another; that is to say, the power of war. But a Government executes its decisions by its own supreme authority. Its use of force, in compelling obedience to its own enactments, is not war. It contemplates no opposing party having a right of resistance. It rests on its own power to enforce its own will; and when it ceases to possess this power, it is no longer a Government.

Mr. President, I concur so generally in the very able speech of the gentleman from Virginia near me, [Mr. RIVES,] that it is not without diffidence and regret that I venture to differ with him on any point. His opinions, sir, are redolent of the doctrines of a very distinguished school, for which I have the highest regard, of whose doctrines I can say, what I also can say of the gentleman's speech, that, while I concur in the results, I must be permitted to hesitate about some of the premises. I do not agree that the constitution is a compact between the States in their sovereign capacities. I do not agree that, in strictness of language, it is a compact at all. But I do agree that it is founded on consent, or agreement, or on compact, if the gentleman prefers that word, and means no more by it than voluntary consent or agreement. The constitution, sir, is not a contract, but the result of a contract; meaning, by contract, no more than assent. Founded on consent, it is a Government proper. Adopted by the agreement of the people of the United States, when adopted, it has become a constitution. The people have agreed to make a constitution; but when made, that constitution becomes what its name imports. It is no longer a mere agreement. Our laws, sir, have their foundation in the agreement, or consent, of the two Houses of Congress. We say, habitually, that one House proposes a bill, and the other agrees to it; but the result of this agreement is not a compact, but a law. The law, the statute, is not the agreement, but something created by the agreement; and something which, when created, has a new character, and acts by its own authority. So, the constitution of the United States, founded in or on the consent of the people, may be said to rest on compact or consent; but it is itself not the compact, but its result. When a people agree to erect a Government, and actually erect it, the thing is done, and the agreement is at an end. The compact is executed, and the end designed by it attained. Henceforth, the fruit of the agreement exists, but the agreement itself is merged in its own accomplishment; since there can be no longer a subsisting agreement, or compact, to form a constitution or Government, after that constitution or Government has been actually formed and established.

It appears to me, Mr. President, that the plainest account of the establishment of this Government presents the most just and philosophical view of its foundation. The people of the several States had their separate State Governments; and between the States there also existed a confederation. With this condition of things the people were not satisfied, as the confederation had been found not to fulfil its intended objects. It was proposed, therefore, to erect a new common Government, which should possess certain definite powers, such as regarded the prosperity of the people of all the States; and to be formed upon the general model of American constitutions. This proposal was assented to, and an instrument was presented to the people of the several States for their consideration. They approved it, and agreed to adopt it as a constitution. They executed that agreement, they adopted the constitution, as a constitution; and henceforth it must stand as a constitution until it shall be altogether destroyed. Now, sir, is not this the truth of the whole matter? and is not all that we have heard of compact between sovereign States the mere effect of a theoretical and artificial mode of reasoning upon the subject? a mode of reasoning which disregards plain facts for the sake of hypothesis?

Mr. President, the nature of sovereignty, or sovereign power, has been extensively discussed by gentlemen on this occasion, as it generally is when the origin of our Government is debated. But I confess myself not entirely satisfied with arguments and illustrations drawn from that topic. The sovereignty of Government is an idea belonging to the other side of the Atlantic. No such thing is known in North America. Our Governments are all limited. In Europe sovereignty is of feudal origin, and imports no more than the state of the sovereign. It comprises his rights, duties, exemptions, prerogatives, and powers. But, with us, all power is with the people. They, alone, are sovereign; and they erect what Governments they please, and confer on them such powers as they please. None of these Governments are sovereign, in the European sense of the word, all being restrained by written constitutions. It seems to me, therefore, that we only perplex ourselves when we attempt to explain the relations existing between the General Government and the several State Governments, according to those ideas of sovereignty which prevail under systems essentially different from our own.

But, sir, to return to the constitution itself: let me inquire what it relies upon for its own continuance and support? I hear it often suggested that the States, by refusing to appoint Senators and Electors, might bring this Government to an end. Perhaps that is true, but the same may be said of the State Governments themselves. Suppose the Legislature of a State, having the power to appoint the Governor and the judges, should omit that duty; would not the State Government remain unorganized? No doubt, all elective Governments may be broken up by a general abandonment, on the part of those intrusted with political powers, of their appropriate duties. But one popular Government has, in this respect, as much security as another. The maintenance of this constitution does not depend on the plighted faith of the States, as States, to support it; and this again shows that it is not a league. It relies on individual duty and obligation.

The constitution of the United States creates direct relations between this Government and individuals. This Government may punish individuals for treason, and all other crimes in the code, when committed against the United States. It has power, also, to tax individuals, in any mode, and to any extent; and it possesses the further power of demanding from individuals military service. Nothing, certainly, can more clearly distinguish a Government from a confederation of States, than the possession of these powers. No closer relations can exist between individuals and any Government.

On the other hand, the Government owes high and solemn duties to every citizen of the country. It is bound to protect him in his most important rights and interests. It makes war for his protection, and no other Government in the country can make war. It makes peace for his protection, and no other Government can make peace. It maintains armies and navies for his defence and security, and no other Government is allowed to maintain them. He goes abroad beneath its flag, and carries over all the earth a national character imparted to him by this Government, and which no other Government can impart. In whatever relates to war, to peace, to commerce, he knows no other Government. All these, sir, are connexions as dear and as sacred as can bind individuals to any Government on earth. It is not, therefore, a compact between States, but a Government proper, operating directly upon individuals, yielding to them protection on the one hand, and demanding from them obedience on the other.

There is no language in the whole constitution applicable to a confederation of States. If the States be parties, as States, what are their rights, and what their respective covenants and stipulations? And where are their rights, covenants, and stipulations expressed? The States engage for nothing, they promise nothing. In the articles of confederation they did make promises, and did enter into engagements, and did plight the faith of each State for their fulfilment; but in the constitution there is nothing of that kind. The reason is, that in the constitution it is the people who speak, and not the States. The people ordain the constitution, and therein address themselves to the States, and to the Legislatures of the States, in the language of injunction and prohibition. The constitution utters its behests in the name and by the authority of the people, and it exacts not from States any plighted public faith to maintain it. On the contrary, it makes its own preservation depend on individual duty and individual obligation. Sir, the States cannot omit to appoint Senators and Electors. It is not a matter resting in State discretion or State pleasure. The constitution has taken better care of its own preservation. It lays its hand on individual conscience and individual duty. It incapacitates any man to sit in the Legislature of a State, who shall not first have taken a solemn oath to support the constitution of the United States. From the obligation of this oath no State power can discharge him. All the members of all the State Legislatures are as religiously bound to support the constitution of the United States, as they are to support their own State constitution. Nay, sir, they are as solemnly sworn to support it, as we ourselves are, who are members of Congress.

No member of a State Legislature can refuse to proceed, at the proper time, to elect Senators to Congress, or to provide for the choice of electors of President and Vice-President, any more than the members can refuse, when the appointed day arrives, to meet the members of the other House to count the votes for those officers, and ascertain who are chosen. In both cases the duty binds, and with equal strength, the conscience of the individual member, and it is imposed on all by an oath in the very same words. Let it, then, never be said, sir, that it is a matter of discretion with the States whether they will continue the Government, or break it up by refusing to appoint Senators and elect electors. They have no discretion in the matter. The members of the Legislatures cannot avoid doing either, so often as the time arrives, without a direct violation of their duty and their oaths; such a violation as would break up any other Government.

Looking still further to the provisions of the constitution itself, in order to learn its true character, we find its great apparent purpose to be, to unite the people of all the States under one General Government, for certain definite objects; and, to the extent of this union, to restrain the separate authorities of the States. Congress only can declare war; therefore, when one State is at war with a foreign nation, all must be at war. The President and the Senate only can make peace; when peace is made for one State, therefore, it must be made for all.

Can any thing be conceived more preposterous than that any State should have power to nullify the proceedings of the General Government respecting peace and war? When war is declared by a law of Congress, can a single State nullify that law, and remain at peace? And yet she may nullify that law as well as any other. If the President and Senate make peace, may one State, nevertheless, continue the war? And yet, if she can nullify a law, she may quite as well nullify a treaty.

The truth is, Mr. President, and no ingenuity of argument, no subtlety of distinction, can evade it, that, as to certain purposes, the people of the United States are one people. They are one in making war, and one in making peace: they are one in regulating commerce, and one in laying duties of impost. The very end and purpose of the constitution was to make them one people in these particulars; and it has effectually accomplished its object. All this is apparent on the face of the constitution itself. I have already said, sir, that to obtain a power of direct legislation over the people, especially in regard to imposts, was always prominent as a reason for getting rid of the confederation, and forming a new constitution. Among the innumerable proofs of this, before the assembling of the convention, allow me to refer only to the report of the committee of the old Congress, July, 1785.

But, sir, let us go to the actual formation of the constitution; let us open the journal of the convention itself; and we shall see that the very first resolution which the convention adopted was, "That a National Government ought to be established, consisting of a Supreme Legislature, Judiciary, and Executive."

This, itself, completely negatives all idea of league, and compact, and confederation. Terms could not be chosen more fit to express an intention to establish a National Government, and to banish forever all notion of a compact between sovereign States.

This resolution was adopted on the 30th of May. Afterwards the style was altered, and, instead of being called a National Government, it was called the Government of the United States; but the substance of this resolution was retained, and was at the head of that list of resolutions which was afterwards sent to the committee who were to frame the instrument.

It is true there were gentlemen in the convention who were for retaining the confederation, and amending its articles; but the majority was against this, and was for a National Government. Mr. Patterson's propositions, which were for continuing the articles of confederation with additional powers, were submitted to the convention on the 15th of June, and referred to the Committee of the Whole. And the resolutions forming the basis of a National Government, which had been once agreed to in the Commitee of the Whole, and reported, were recommitted to the same committee, on the same day. The convention, then in Committee of the Whole, on the 19th of June, had both these plans before them; that is to say, the plan of a confederacy, or compact between States, and the plan of a National Government. Both these plans were considered and debated, and the committee reported, "That they do not agree to the proposition offered by the honorable Mr. Patterson, but that they again submit the resolutions formerly reported." If, sir, any historical fact in the world be plain and undeniable, it is that the convention deliberated on the expediency of continuing the confederation, with some amendments, and rejected that scheme, and adopted the plan of a National Government, with a Legislature, an Executive, and a Judiciary of its own. They were asked to preserve the league; they rejected the proposition. They were asked to continue the existing compact between States; they rejected it. They rejected compact, league, and confederation, and set themselves about framing the constitution of a National Government; and they accomplished what they undertook.

If men will open their eyes fairly to the lights of history, it is impossible to be deceived on this point. The great object was to supersede the confederation by a regular Government; because, under the confederation, Congress had power only to make requisitions on States; and if States declined compliance, as they did, there was no remedy but war against such delinquent States. It would seem, from Mr. Jefferson's correspondence, in 1786 and 1787, that he was of opinion that even this remedy ought to be tried. "There will be no money in the treasury," said he, "till the confederacy shows its teeth;" and he suggests that a single frigate would soon levy on the commerce of a delinquent State the deficiency of its contribution. But this would be war; and it was evident that a confederacy could not long hold together which should be at war with its members. The constitution was adopted to avoid this necessity. It was adopted that there might be a Government which should act directly on individuals, without borrowing aid from the State Governments. This is clear as light itself on the very face of the provisions of the constitution, and its whole history tends to the same conclusion. Its framers gave this very reason for their work in the most distinct terms. Allow me to quote but one or two proofs out of hundreds. That State, so small in territory, but so distinguished for learning and talent, Connecticut, had sent to the general convention, among other members, Samuel Johnson and Oliver Ellsworth. The constitution having been framed, it was submitted to a convention of the people of Connecticut for ratification on the part of that State, and Mr. Johnson and Mr. Ellsworth were also members of this convention. On the first day of the debates, being called on to explain the reasons which led the convention at Philadelphia to recommend such a constitution, after showing the insufficiency of the existing confederacy, inasmuch as it applied to States, as States, Mr. Johnson proceeded to say:

"The convention saw this imperfection in attempting to legislate for States in their political capacity; that the coercion of law can be exercised by nothing but a military force. They have, therefore, gone upon entirely new ground. They have formed one new nation out of the individual States. The constitution vests in the General Legislature a power to make laws in matters of national concern; to appoint judges to decide upon these laws; and to appoint officers to carry them into execution. This excludes the idea of an armed force. The power which is to enforce these laws is to be a legal power, vested in proper magistrates. The force which is to be employed is the energy of the law; and this force is to operate only upon individuals who fail in their duty to their country. This is the peculiar glory of the constitution, that it depends upon the mild and equal energy of the magistracy for the execution of the laws."

In the further course of the debate, Mr. Ellsworth said—

"In republics, it is a fundamental principle that the majority govern, and that the minority comply with the general voice. How contrary, then, to republican principles, how humiliating, is our present situation! A single State can rise up and put a veto upon the most important public measures. We have seen this actually take place: a single State has controlled the general voice of the Union; a minority, a very small minority, has governed us. So far is this from being consistent with republican principles, that it is, in effect, the worst species of monarchy.

"Hence we see how necessary for the Union is a coercive principle. No man pretends the contrary. We all see and feel this necessity. The only question is, shall it be a coercion of law, or a coercion of arms? There is no other possible alternative. Where will those who oppose a coercion of law come out? Where will they end? A necessary consequence of their principles is a war of the States one against another. I am for coercion by law; that coercion which acts only upon delinquent individuals. This constitution does not attempt to coerce sovereign bodies, States, in their political capacity. No coercion is applicable to such bodies, but that of an armed force. If we should attempt to execute the laws of the Union by sending an armed force against a delinquent State, it would involve the good and bad, the innocent and guilty, in the same calamity. But this legal coercion singles out the guilty individual, and punishes him for breaking the laws of the Union."

Indeed, sir, if we look to all cotemporary history, to the writings of the Federalist, to the debates in the conventions, to the publications of friends and foes, they all agree that a change had been made from a confederacy of States to a different system; they all agree that the convention had formed a constitution for a National Government. With this result some were satisfied, and some were dissatisfied; but all admitted that the thing had been done. In none of these various productions and publications did any one intimate that the new constitution was but another compact between States, in their sovereign capacities. I do not find such an opinion advanced in a single instance. Every where the people were told that the old confederation was to be abandoned, and a new system to be tried; that a proper Government was proposed, to be founded in the name of the people, and to have a regular organization of its own. Every where the people were told that it was to be a Government with direct powers to make laws over individuals, and to lay taxes and imposts, without the consent of the States. Every where it was understood to be a popular constitution. It came to the people for their adoption, and was to rest on the same deep foundation as the State constitutions themselves. Its most distinguished advocates, who had been themselves members of the convention, declared that the very object of submitting the constitution to the people was, to preclude the possibility of its being regarded as a mere compact. "However gross a heresy," say the writers of the Federalist, "it may be to maintain that a party to a compact has a right to revoke that compact, the doctrine itself has had respectable advocates. The possibility of a question of this nature proves the necessity of laying the foundations of our National Government deeper than in the mere sanction of delegated authority. The fabric of American empire ought to rest on the solid basis of the consent of the people."

Such is the language, sir, addressed to the people, while they yet had the constitution under consideration. The powers conferred on the new Government were perfectly well understood to be conferred, not by any State, or the people of any State, but by the people of the United States. Virginia is more explicit, perhaps, in this particular, than any other State. Her convention, assembled to ratify the constitution, "in the name and behalf of the people of Virginia, declare and make known, that the powers granted under the constitution, being derived from the people of the United States, may be resumed by them whenever the same shall be perverted to their injury or oppression."

Is this language which describes the formation of a compact between States, or language describing the grant of powers to a new Government, by the whole people of the United States?

Among all the other ratifications, there is not one which speaks of the constitution as a compact between States. Those of Massachusetts and New Hampshire express the transaction, in my opinion, with sufficient accuracy. They recognise the Divine goodness "in affording the people of the United States an opportunity of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new constitution." You will observe, sir, that it is the people, and not the States, who have entered into this compact, and it is the people of all the United States. These conventions, by this form of expression, meant merely to say that the people of the United States had, by the blessing of Providence, enjoyed the opportunity of establishing a new constitution, founded in the consent of the people. This consent of the people has been called by European writers "the social compact;" and, in conformity to this common mode of expression, these conventions speak of that assent, on which the new constitution was to rest, as an explicit and solemn compact, not which the States had entered into with each other, but which the people of the United States had entered into.

Finally, sir, how can any man get over the words of the constitution itself? "We, the people of the United States, do ordain and establish this constitution." These words must cease to be part of the constitution, they must be obliterated from the parchment on which they are written, before any human ingenuity or human argument can remove the popular basis on which that constitution rests, and turn the instrument into a mere compact between sovereign States.

The second proposition, sir, which I propose to maintain, is, that no State authority can dissolve the relations subsisting between the Government of the United States and individuals; that nothing can dissolve these relations but revolution; and that, therefore, there can be no such thing as secession without revolution. All this follows, as it seems to me, as a just consequence, if it be first proved that the constitution of the United States is a Government proper, owing protection to individuals, and entitled to their obedience.

The people, sir, in every State, live under two Governments. They owe obedience to both. These Governments, though distinct, are not adverse. Each has its separate sphere, and its peculiar powers and duties. It is not a contest between two sovereigns for the same power, like the wars of the rival houses in England; nor is it a dispute between a Government *de facto* and a Government *de jure*. It is the case of a division of powers between two Governments, made by the people, to which both are responsible. Neither can dispense with the duty which individuals owe to the other; neither can call itself master of the other; the people are masters of both. This division of power, it is true, is in a great measure unknown in Europe. It is the peculiar system of America; and, though new and singular, it is not incomprehensible. The State constitutions are established by the people of the States. This constitution is established by the people of all the States. How, then, can a State secede? How can a State undo what the whole people have done? How can she absolve her citizens from their obedience to the laws of the United States? How can she annul their obligations and oaths? How can the members of her Legislature renounce their own oaths? Sir, secession, as a revolutionary right, is intelligible; as a right to be proclaimed amidst civil commotions, and asserted at the head of armies, I can understand it. But as a practical right, existing under the constitution, and in conformity with its provisions, it seems to me to be nothing but a plain absurdity; for it supposes resistance to Government, under the authority of Government itself; it supposes dismemberment, without violating the principles of union; it supposes opposition to law, without crime; it supposes the violation of oaths, without responsibility; it supposes the total overthrow of Government, without revolution.

The constitution, sir, regards itself as perpetual and immortal. It seeks to establish a union among the people of the States, which shall last through all time. Or, if the common fate of things human must be expected, at some period, to happen to it, yet that catastrophe is not anticipated.

The instrument contains ample provisions for its amendment, at all times; none for its abandonment, at any time. It declares that new States may come into the Union, but it does not declare that old States may go out. The Union is not a temporary partnership of States. It is the association of the people, under a constitution of Government, uniting their power, joining together their highest interests, cementing their present enjoyments, and blending, in one indivisible mass, all their hopes for the future. Whatsoever is steadfast in just political principles, whatsoever is permanent in the structure of human society, whatsoever there is which can derive an enduring character from being founded on deep laid principles of constitutional liberty, and on the broad foundations of the public will—all these unite to entitle this instrument to be regarded as a permanent constitution of Government.

In the next place, Mr. President, I contend that there is a supreme law of the land, consisting of the constitution, acts of Congress passed in pursuance of it, and the public treaties. This will not be denied, because such are the very words of the constitution. But I contend further, that it rightfully belongs to Congress, and to the courts of the United States, to settle the construction of this supreme law, in doubtful cases. This is denied: and here arises the great practical question, who is to construe finally the constitution of the United States? We all agree that the constitution is the supreme law; but who shall interpret that law? In our system of the division of powers between different Governments, controversies will necessarily sometimes arise respecting the extent of the powers of each. Who shall decide these controversies? Does it rest with the General Government, in all or any of its departments, to exercise the office of final interpreter? Or may each of the States, as well as the General Government, claim this right of ultimate decision? The practical result of this whole debate turns on this point. The gentleman contends that each State may judge for itself of any alleged violation of the constitution, and may finally decide for itself, and may execute its own decisions by its own power. All the recent proceedings in South Carolina are founded on this claim of right. Her convention has pronounced the revenue laws of the United States unconstitutional; and this decision she does not allow any authority of the United States to overrule or reverse. Of course, she rejects the authority of Congress, because the very object of the ordinance is to reverse the decision of Congress; and she rejects, too, the authority of the courts of the United States, because she expressly prohibits all appeal to those courts. It is in order to sustain this asserted right of being her own judge, that she pronounces the constitution of the United States to be but a compact, to which she is a party, and a sovereign party. If this be established, then the inference is supposed to follow, that, being sovereign, there is no power to control her decision, and her own judgment on her own compact is and must be conclusive.

I have already endeavored, sir, to point out the practical consequences of this doctrine, and to show how utterly inconsistent it is with all ideas of regular government, and how soon its adoption would involve the whole country in revolution and absolute anarchy. I hope it is easy now to show, sir, that a doctrine, bringing such consequences with it, is not well founded; that it has nothing to stand upon but theory and assumption; and that it is refuted by plain and express constitutional provisions. I think the Government of the United States does possess, in its appropriate departments, the authority of final decision on questions of disputed power. I think it possesses this authority, both by necessary implication and by express grant.

It will not be denied, sir, that this authority naturally belongs to all Governments. They all exercise it from necessity, and as a consequence of the exercise of other powers. The State Governments themselves possess it, except in that class of questions which may arise between them and the General Government, and in regard to which they have surrendered it, as well by the nature of the case as by clear constitutional provisions. In other and ordinary cases, whether a particular law be in conformity to the constitution of the State, is a question which the State Legislature or the State Judiciary must determine. We all know that these questions arise daily in the State Governments, and are decided by those Governments; and I know no Government which does not exercise a similar power.

Upon general principles, then, the Government of the United States possesses this authority; and this would hardly be denied, were it not that there are other Governments. But since there are State Governments, and since these, like other Governments, ordinarily construe their own powers, if the Government of the United States construes its own powers also, which construction is to prevail, in the case of opposite constructions? And again, as in the case now actually before us, the State Governments may undertake, not only to construe their own powers, but to decide directly on the extent of the powers of Congress. Congress has passed a law, as being within its just powers; South Carolina denies that this law is within its just powers, and insists that she has the right so to decide this point, and that her decision is final. How are these questions to be settled?

In my opinion, sir, even if the constitution of the United States had made no express provision for such cases, it would yet be difficult to maintain that, in a constitution existing over four-and-twenty States, with equal authority over all, one could claim a right of construing it for the whole. This would seem a manifest impropriety; indeed, an absurdity. If the constitution is a Government existing over all the States, though with limited powers, it necessarily follows that, to the extent of those powers, it must be supreme. If it be not superior to the authority of a particular State, it is not a National Government. But as it is a Government, as it has a legislative power of its own, and a judicial power co-extensive with the legislative, the inference is irresistible, that this Government, thus created by the whole and for the whole, must have an authority superior to that of the particular Government of any one part. Congress is the Legislature of all the people of the United States; the Judiciary of the General Government is the Judiciary of all the people of the United States. To hold, therefore, that this Legislature and this Judiciary are subordinate in authority to the Legislature and Judiciary of a single State, is doing violence to all common sense, and overturning all established principles. Congress must judge of the extent of its own powers, so often as it is called on to exercise them, or it cannot act at all; and it must act also independent of State control, or it cannot act at all.

The right of State interposition strikes at the very foundation of the legislative power of Congress. It possesses no effective legislative power, if such right of State interposition exists; because it can pass no law not subject to abrogation. It cannot make laws for the Union, if any part of the Union may pronounce its enactments void and of no effect. Its forms of legislation would be an idle ceremony, if, after all, any one of four-and-twenty States might bid defiance to its authority. Without express provision in the constitution, therefore, sir, this whole question is necessarily decided by those provisions which create a legislative power and a judicial power. If these exist in a Government intended for the whole, the inevitable consequence is, that the laws of this legislative power, and the decisions of this judicial power, must be binding on and over the whole. No man can form the conception of a Government existing over four-and-twenty States, with a regular legislative and judicial power, and of the existence, at the same time, of an authority, residing elsewhere, to resist, at pleasure or discretion, the enactments and the decisions of such a Government. I maintain, therefore, sir, that, from the nature of the case, and as an inference wholly unavoidable, the acts of Congress, and the decisions of the national courts, must be of higher authority than State laws and State decisions. If this be not so, there is, there can be, no General Government.

But, Mr. President, the constitution has not left this cardinal point without full and explicit provisions. First, as to the authority of Congress. Having enumerated the specific powers conferred on Congress, the constitution adds, as a distinct and substantive clause, the following, viz: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof." If this means any thing, it means that Congress may judge of the true extent and just interpretation of the specific powers granted to it; and may judge also of what is necessary and proper for executing those powers. If Congress is to judge of what is necessary for the execution of its powers, it must, of necessity, judge of the extent and interpretation of those powers.

And in regard, sir, to the Judiciary, the constitution is still more express and emphatic. It declares that the judicial power shall extend to all cases in law or equity arising under the constitution, laws of the United States, and treaties; that there shall be one Supreme Court; and that this Supreme Court shall have appellate jurisdiction of all these cases, subject to such exceptions as Congress may make. It is impossible to escape from the generality of these words. If a case arises under the constitution, that is, if a case arises depending on the construction of the constitution, the judicial power of the United States extends to it. It reaches the case, the question; it attaches the power of the national judicature to the case itself, in whatever court it may arise or exist; and in this case the Supreme Court has appellate jurisdiction over all courts whatever. No language could provide, with more effect and precision than is here done, for subjecting constitutional questions to the ultimate decision of the Supreme Court. And, sir, this is exactly what the convention found it necessary to provide for, and intended to provide for. It is, too, exactly what the people were universally told was done, when they adopted the constitution. One of the first resolutions adopted by the convention was in these words, viz: "That the jurisdiction of the National Judiciary shall extend to cases which respect the collection of the national revenue, and questions which involve the national peace and harmony." Now, sir, this either had no sensible meaning at all, or else it meant that the jurisdiction of the National Judiciary should extend to these questions with a paramount authority. It is not to be supposed that the convention intended that the power of the National Judiciary should extend to these questions, and that the judicatures of the States should also extend to them with equal power of final decision. This would be to defeat the whole object of the provision. There were thirteen judicatures already in existence. The evil complained of, or the danger to be guarded against, was contradiction and repugnance in the decisions of these judicatures. If the framers of the constitution meant to create a fourteenth, and yet not to give it power to revise and control the decisions of the existing thirteen, then they only intended to augment the existing evil and the apprehended danger, by increasing still further the chances of discordant judgments. Why, sir, has it become a settled axiom in politics, that every Government must have a judicial power co-extensive with its legislative power? Certainly, there is only this reason, viz: that the laws may receive a uniform interpretation and a uniform execution. This object can be no otherwise attained. A statute is what it is judiciously interpreted to be; and if it be construed one way in New Hampshire, and another way in Georgia, there is no uniform law. One Supreme Court, with appellate and final jurisdiction, is the natural and only adequate means, in any Government, to secure this uniformity. The convention saw all this clearly; and the resolution which I have quoted, never afterwards rescinded, passed through various modifications, till it finally received the form which the article now wears in the constitution. It is undeniably true, then, that the framers of the constitution intended to create a national judicial power, which should be permanent, on national subjects. And after the constitution was framed, and while the whole country was engaged in discussing its merits, one of its most distinguished advocates (Mr. Madison) told the people that it was true that, in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide is to be established under the General Government. Mr. Martin, who had been a member of the convention, asserted the same thing to the Legislature of Maryland, and urged it as a reason for rejecting the constitution. Mr. Pinckney himself, also a leading member of the convention, declared it to the people of South Carolina. Every where it was admitted, by friends and foes, that this power was in the constitution. By some it was thought dangerous, by most it was thought necessary; but by all it was agreed to be a power actually contained in the instrument. The convention saw the absolute necessity of some control in the National Government over State laws. Different modes of establishing this control were suggested and considered. At one time it was proposed that the laws of the States should, from time to time, be laid before Congress, and that Congress should possess a negative over them. But this was thought inexpedient and inadmissible; and in its place, and expressly as a substitute for it, the existing provision was introduced; that is to say, a provision by which the federal courts should have authority to overrule such State laws as might be in manifest contravention of the constitution. The writers of the Federalist, in explaining the constitution, while it was yet pending before the people, and still unadopted, give this account of the matter in terms, and assign this reason for the article as it now stands. By this provision, Congress escaped from the necessity of any revision of State laws, left the whole sphere of State legislation quite untouched, and yet obtained a security against any infringement of the constitutional power of the General Government. Indeed, sir, allow me to ask again, if the National Judiciary was not to exercise a power of revision, on constitutional questions, over the judicatures of the States, why was any national judicature erected at all? Can any man give a sensible reason for having a judicial power in this Government, unless it be for the sake of maintaining a uniformity of decision on questions arising under the constitution and laws of Congress, and insuring its execution? And does not this very idea of uniformity necessarily imply that the construction given by the national courts is to be the prevailing construction? How else, sir, is it possible that uniformity can be preserved?

Gentlemen appear to me, sir, to look at but one side of the question. They regard only the supposed danger of trusting a Government with the interpretation of its own powers. But will they view the question in its other aspect? will they show us how it is possible for a Government to get along with four-and-twenty interpreters of its laws and powers? Gentlemen argue, too, as if, in these cases, the State would be always right, and the General Government always wrong. But suppose the reverse; suppose the State wrong, and, since they differ, some of them must be wrong; are the most important and essential operations of the Government to be embarrassed and arrested because one State holds a contrary opinion? Mr. President, every argument which refers the constitutionality of acts of Congress to State decision, appeals from the majority to the minority; it appeals from a common interest to a particular interest; from the counsels of all to the counsel of one; and endeavors to supersede the judgment of the whole by the judgment of a part.

I think it is clear, sir, that the constitution, by express provision, by definite and unequivocal words, as well as by necessary implication, has constituted the Supreme Court of the United States the appellate tribunal in all cases of a constitutional nature which assume the shape of a suit in law or equity. And I think I cannot do better than to leave this part of the subject by reading the remarks made upon it by Mr. Ellsworth, in the convention of Connecticut; a gentleman, sir, who has left behind him, on the records of the Government of his country, proofs of the clearest intelligence and of the deepest sagacity, as well as of the utmost purity and integrity of character. "This constitution," says he, "defines the extent of the powers of the General Government. If the General Legislature should at any time overleap its limits, the Judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the constitution does not authorize, it is void; and the Judiciary power, the national judges, who, to secure their impartiality are to be made independent, will declare it to be void. On the other hand, if the States go beyond their limits, if they make a law which is a usurpation upon the General Government, the law is void; and upright, independent judges will declare it to be so."

And let me only add, sir, that in the very first session of the first Congress, with all the well-known objects both of the convention and the people full and fresh in his mind, Mr. Ellsworth reported the bill, as is generally understood, for the organization of the Judicial department; and, in that bill, made provision for the exercise of this appellate power of the Supreme Court, in all the proper cases, in whatsoever court arising; and that this appellate power has now been exercised for more than forty years, without interruption, and without doubt.

As to the cases, sir, which do not come before the courts; those political questions which terminate with the enactments of Congress, it is of necessity that these should be ultimately decided by Congress itself. Like other Legislatures, it must be trusted with this power. The members of Congress are chosen by the people, and they are answerable to the people; like other public agents, they are bound by oath to support the constitution. These are the securities that they will not violate their duty, or transcend their powers. They are the same securities as prevail in other popular Governments; nor is it easy to see how grants of power can be more safely guarded, without rendering them nugatory. If the case cannot come before the courts, and if Congress be not trusted with its decision, who shall decide it? The gentleman says, each State is to decide it for herself. If so, then, as I have already urged, what is law in one State is not law in the other. Or, if the resistance of one State compels an entire repeal of the law, then a minority, and that a small one, governs the whole country.

Sir, those who espouse the doctrines of nullification, reject, as it seems to me, the first great principle of all republican liberty; that is, that the majority must govern. In matters of common concern, the judgment of a majority must stand as the judgment of the whole. This is a law imposed on us by the absolute necessity of the case; and if we do not act upon it, there is no possibility of maintaining any Government but despotism. We hear loud and repeated denunciations against what is called "majority Government." It is declared with much warmth, that a "majority Government" cannot be maintained in the United States. What, then, do gentlemen wish? Do they wish to establish a minority Government? Do they wish to subject the will of the many to the will of the few? The honorable gentleman from South Carolina has spoken of absolute majorities, and majorities concurrent; language wholly unknown to our constitution, and to which it is not easy to affix definite ideas. As far as I understand it, it would teach us that the "absolute majority" may be found in Congress, but the "majority concurrent" must be looked for in the States. That is to say, sir, stripping the matter of this novelty of phrase, that the dissent of one or more States, as States, renders void the decision of a majority of Congress, so far as that State is concerned. And so this doctrine, running but a short career, like other dogmas of the day, terminates in nullification.

If this vehement invective against majorities meant no more than that, in the construction of Government, it is wise to provide checks and balances, so that there should be various limitations on the power of the mere majority, it would only mean what the constitution of the United States has already abundantly provided. It is full of such checks and balances. In its very organization it adopts a broad and most effectual principle, in restraint of the power of mere majorities. A majority of the people elects the House of Representatives, but it does not elect the Senate. The Senate is elected by the States, each State having, in this respect, an equal power. No law, therefore, can pass without the assent of a majority of the representatives of the people, and a majority of the representatives of the States also. A majority of the representatives of the people must concur, and a majority of the States must concur, in every act of Congress; and the President is elected on a plan compounded of both these principles. But, having composed one House of Representatives chosen by the people in each State, according to its numbers, and the other of an equal number of members from every State, whether larger or smaller, the constitution gives to majorities in these Houses, thus constituted, the full and entire power of passing laws, subject always to the constitutional restrictions, and to the approval of the President. To subject them to any other power is clear usurpation. The majority of one House may be controlled by the majority of the other; and both may be restrained by the President's negative. These are checks and balances provided by the constitution, existing in the Government itself, and wisely intended to secure deliberation and caution in legislative proceedings. But to resist the will of the majority in both Houses, thus constitutionally exercised; to insist on the lawfulness of interposition by an extraneous power; to claim the right of defeating the will of Congress, by setting up against it the will of a single State, is neither more nor less, as it strikes me, than a plain attempt to overthrow the Government. The constituted authorities of the United States are no longer a Government, if they be not masters of their own will; they are no longer a Government, if an external power may arrest their proceedings; they are no longer a Government, if acts passed by both Houses, and approved by the President, may be nullified by State vetoes or State ordinances. Does any one suppose it could make any difference, as to the binding authority of an act of Congress, and of the duty of a State to respect it, whether it passed by a mere majority of both Houses, or by three-fourths of each, or the unanimous vote of each? Within the limits and restrictions of the constitution, the Government of the United States, like all other popular Governments, acts by majorities. It can act no otherwise. Whoever, therefore, denounces the Government of majorities denounces the Government of his own country, and denounces all free Governments. And whoever would restrain these majorities, while acting within their constitutional limits, by an external power, whatever he may intend, asserts principles which, if adopted, can lead to nothing else than the destruction of the Government itself.

Does not the gentleman perceive, sir, how his argument against majorities might here be retorted upon him? Does he not see how cogently he might be asked, whether it be the character of nullification to practise what it preaches? Look to South Carolina, at the present moment. How far are the rights of minorities there respected? I confess, sir, I have not known, in peaceable times, the power of the majority carried with a higher hand, or upheld with more relentless disregard of the rights, feelings, and principles of the minority: a minority embracing, as the gentleman himself will admit, a large portion of the worth and respectability of the State; a minority, comprehending in its numbers men who have been associated with him and with us in these halls of legislation; men who have served their country at home, and honored it abroad; men who would cheerfully lay down their lives for their native State, in any cause which they could regard as the cause of honor and duty; men above fear and above reproach; whose deepest grief and distress spring from the conviction that the present proceedings of the State must ultimately reflect discredit upon her: how is this minority, how are these men regarded? They are enthralled and disfranchised by ordinances and acts of legislation, subjected to tests and oaths, incompatible, as they conscientiously think, with oaths already taken, and obligations already assumed; they are proscribed and denounced as recreants to duty and patriotism, and slaves to a foreign Power; both the spirit which pursues them, and the positive measures which emanate from that spirit, are harsh and proscriptive beyond all precedent within my knowledge, except in periods of professed revolution.

It is not, sir, one would think, for those who approve these proceedings, to complain of the power of majorities.

Mr. President, all popular Governments rest on two principles, or two assumptions:

First, That there is, so far, a common interest among those over whom the Government extends, as that it may provide for the defence, protection, and good government of the whole, without injustice or oppression to parts.

Second, That the representatives of the people, and especially the people themselves, are secure against general corruption, and may be trusted, therefore, with the exercise of power. Whoever argues against these principles, argues against the practicability of all free Governments. And whoever admits these, must admit, or cannot deny, that power is as safe in the hands of Congress as in those of other representative bodies. Congress is not irresponsible. Its members are agents of the people, elected by them, answerable to them, and liable to be displaced or superseded at their pleasure; and they possess as fair a claim to the confidence of the people, while they continue to deserve it, as any other public political agents.

If, then, sir, the plain intention of the convention, and the cotemporary admission of both friends and foes, prove any thing; if the plain text of the instrument itself, as well as the necessary implication from other provisions, prove any thing; if the early legislation of Congress, the course of judicial decisions, acquiesced in by all the States for forty years, prove any thing, then it is proved that there is a supreme law, and a final interpreter.

My fourth and last proposition, Mr. President, was, that any attempt by a State to abrogate or nullify acts of Congress, is a usurpation on the powers of the General Government, and on the equal rights of other States—a violation of the constitution, and a proceeding essentially revolutionary. This is undoubtedly true, if the preceding propositions be regarded as proved. If the Government of the United States be trusted with the duty, in any department, of declaring the extent of its own powers, then a State ordinance, or act of legislation, authorizing resistance to an act of Congress, on the alleged ground of its unconstitutionality, is manifestly a usurpation upon its powers.

If the States have equal rights in matters concerning the whole, then for one State to set up her judgment against the judgment of the rest, and to insist on executing that judgment by force, is also a manifest usurpation on the rights of other States.

If the constitution of the United States be a Government proper, with authority to pass laws, and to give them a uniform interpretation and execution, then the interposition of a State to enforce her own construction, and to resist, as to herself, that law which binds the other States, is a violation of the constitution.

And if that be revolutionary which arrests the legislative, executive, and judicial power of Government, dispenses with existing oaths and obligations of obedience, and elevates another power to supreme dominion, then nullification is revolutionary. Or, if that be revolutionary, the natural tendency and practical effect of which is to break the Union into fragments, to sever all connexion among the people of the respective States, and to prostrate this General Government in the dust, then nullification is revolutionary.

Nullification, sir, is as distinctly revolutionary as secession; but I cannot say that the revolution which it seeks is one of so respectable a character. Secession would, it is true, abandon the constitution altogether; but then it would profess to abandon it. Whatever other inconsistencies it might run into, one, at least, it would avoid. It would not belong to a Government, while it rejected its authority. It would not repel the burden, and continue to enjoy the benefits. It would not aid in passing laws which others are to obey, and yet reject their authority as to itself. It would not undertake to reconcile obedience to public authority, with an asserted right of command over that same authority. It would not be in the Government, and above the Government, at the same time. But however more respectable a mode of secession may be, it is not more truly revolutionary than the actual execution of the doctrines of nullification. Both, and each, resist the constitutional authorities; both, and each, would sever the Union, and subvert the Government.

Mr. President, having detained the Senate so long already, I will not now examine, at length, the ordinance and laws of South Carolina. These papers are well drawn for their purpose. Their authors understood their own objects. They are called a peaceable remedy, and we have been told that South Carolina, after all, intends nothing but a law-suit. A very few words, sir, will show the nature of this peaceable remedy, and of the law-suit which South Carolina contemplates.

In the first place, the ordinance declares the law of last July, and all [illegible]r laws of the United States laying duties, to be absolute[illegible] null and void, and makes it unlawful for the constituted authorities of the United States to enforce the payment of such duties. It is, therefore, sir, an indictable offence, at this moment, in South Carolina, for any person to be concerned in collecting revenue, under the laws of the United States. It being declared unlawful to collect these duties by what is considered a fundamental law of the State, an indictment lies, of course, against any one concerned in such collection; and he is, on general principles, liable to be punished by fine and imprisonment. The terms, it is true, are, that it is unlawful "to enforce the payment of duties;" but every custom-house officer enforces payment when he detains the goods in order to obtain such payment. The ordinance, therefore, reaches every body concerned in the collection of the duties.

This is the first step in the prosecution of the peaceable remedy. The second is more decisive. By the act commonly called the replevin law, any person, whose goods are seized or detained by the collector for the payment of duties, may sue out a writ of replevin, and, by virtue of that writ, the goods are to be restored to him. A writ of replevin is a writ which the sheriff is bound to execute, and for the execution of which he is bound to employ force, if necessary. He may call out the *posse*, and must do so, if resistance be made. This *posse* may be armed or unarmed. It may come forth with military array, and under the lead of military men. Whatever number of troops may be assembled in Charleston, they may be summoned, with the Governor or commander-in-chief at their head, to come in aid of the sheriff. It is evident then, sir, that the whole military power of the State is to be employed, whenever necessary, in dispossessing the custom-house officers, and in seizing and holding the goods without paying the duties. This is the second step in the peaceable remedy.

Sir, whatever pretences may be set up to the contrary, this is the direct application of force, and of military force. It is unlawful, in itself, to replevy goods in the custody of the collectors. But this unlawful act is to be done, and it is to be done by power. Here is a plain interposition, by physical force, to resist the laws of the Union. The legal mode of collecting duties is to detain goods till such duties are paid or secured. But force comes and overpowers the collector and his assistants, and takes away the goods, leaving the duties unpaid. There cannot be a clearer case of forcible resistance to law. And it is provided that the goods thus seized shall be held against any attempt to retake them, by the same force which seized them.

Having thus dispossessed the officers of the Government of the goods, without payment of duties, and seized and secured them by the strong arm of the State, only one thing more remained to be done, and that is, to cut off all possibility of legal redress; and that, too, is accomplished, or thought to be accomplished. The ordinance decrees, that all judicial proceedings founded on the revenue laws (including, of course, proceedings in the courts of the United States) shall be null and void. This nullifies the judicial power of the United States. Then comes the test oath act. This requires all State judges and jurors in the State courts to swear that they will execute the ordinance, and all acts of the Legislature passed in pursuance thereof. The ordinance declares that no appeal shall be allowed from the decision of the State courts to the Supreme Court of the United States; and the replevin act makes it an indictable offence for any clerk to furnish a copy of the record, for the purpose of such appeal.

The two principal provisions on which South Carolina relies, to resist the laws of the United States, and nullify the authority of this Government, are therefore, these:

1. A forcible seizure of goods before the duties are paid or secured, by the power of the State, civil and military.

2. The taking away, by the most effectual means in her power, of all legal redress in the courts of the United States; the confining all judicial proceedings to her own State tribunals; and the compelling of her judges and jurors of these her own courts to take an oath beforehand that they will decide all cases according to the ordinance, and the acts passed under it; that is, that they will decide the cause one way. They do not swear to try it on its own merits; they only swear to decide it as nullification requires.

The character, sir, of these provisions defies comment. Their object is as plain as their means are extraordinary. They propose direct resistance, by the whole power of the State, to laws of Congress; to cut off, by methods deemed adequate, any redress by legal and judicial authority. They arrest legislation, defy the executive, and banish the judicial power of this Government. They authorize and command acts to be done, and done by force, both of numbers and of arms, which, if done, and done by force, are clearly acts of rebellion and treason.

Such, sir, are the laws of South Carolina; such, sir, is the peaceable remedy of nullification. Has not nullification reached, sir, even thus early, that point of direct and forcible resistance to law, to which I intimated, three years ago, it plainly tended?

And now, Mr. President, what is the reason for passing laws like these? What are the oppressions experienced under the Union, calling for measures which thus threaten to sever and destroy it? What invasions of public liberty, what ruin to private happiness, what long list of rights violated, or wrongs unredressed, are to justify to the country, to posterity, and to the world, this assault upon the free constitution of the United States, this great and glorious work of our fathers? At this very moment, sir, the whole land smiles in peace, and rejoices in plenty. A general and a high prosperity pervades the country; and, judging by the common standard, by increase of population and wealth; or judging by the opinions of that portion of her people not embarked in those dangerous and desperate measures, this prosperity overspreads South Carolina herself.

Thus, happy at home, our country, at the same time, holds high the character of her institutions, her power, her rapid growth, and her future destiny, in the eyes of all foreign States. One danger only creates hesitation; one doubt only exists to darken the otherwise unclouded brightness of that aspect, which she exhibits to the view and to the admiration of the world. Need I say that that doubt respects the permanency of our Union? and need I say that that doubt is now caused, more than by any thing else, by these very proceedings of South Carolina? Sir, all Europe is, at this moment, beholding us, and looking for the issue of this controversy; those who hate free institutions, with malignant hope; those who love them, with deep anxiety and shivering fear.

The cause, then, sir, the cause! Let the world know the cause which has thus induced one State of the Union to bid defiance to the power of the whole, and openly to talk of secession.

Sir, the world will scarcely believe that this whole controversy, and all the desperate measures which its support requires, have no other foundation than a difference of opinion, upon a provision of the constitution, between a majority of the people of South Carolina, on one side, and a vast majority of the whole people of the United States on the other. It will not credit the fact, it will not admit the possibility, that, in an enlightened age, in a free, popular republic, under a Government where the people govern, as they must always govern, under such systems, by majorities, at a time of unprecedented happiness, without practical oppression, without evils, such as may not only be pretended, but felt and experienced; evils not slight or temporary, but deep, permanent, and intolerable; a single State should rush into conflict with all the rest, attempt to put down the power of the Union by her own laws, and to support those laws by her military power, and thus break up and destroy the world's last hope. And well the world may be incredulous. We, who hear and see it, can ourselves hardly yet believe it. Even after all that had preceded it, this ordinance struck the country with amazement. It was incredible and inconceivable, that South Carolina should thus plunge headlong into resistance to the laws, on a matter of opinion, and on a question in which the preponderance of opinion, both of the present day and of all past time, was so overwhelmingly against her. The ordinance declares that Congress has exceeded its just power, by laying duties on imports, intended for the protection of manufactures. This is the opinion of South Carolina; and on the strength of that opinion she nullifies the laws. Yet has the rest of the country no right to its opinions also? Is one State to sit sole arbitress? She maintains that those laws are plain, deliberate, and palpable violations of the constitution; that she has a sovereign right to decide this matter; and, that, having so decided, she is authorized to resist their execution, by her own sovereign power; and she declares that she will resist it, though such resistance should shatter the Union into atoms.

Mr. President, I do not intend to discuss the propriety of these laws at large; but I will ask, how are they shown to be thus plainly and palpably unconstitutional? Are they quite new in the history of the Government? Have they no countenance at all in the constitution itself? Are they a sudden and violent usurpation on the rights of the States? Sir, what will the civilized world say, what will posterity say, when they learn that similar laws have existed from the very foundation of the Government; that for thirty years the power never was questioned; and that no state in the Union has more freely and unequivocally admitted it than South Carolina herself?

To lay and collect duties and imposts is an express power, granted by the constitution to Congress. It is also an exclusive power; for the constitution as expressly prohibits all the States from exercising it themselves. This express and exclusive power is unlimited in the terms of the grant, but is attended with two specific restrictions: first, that all duties and imposts shall be equal in all the States; second, that no duties shall be laid on exports. The power, then, being granted, and being attended with these two restrictions, and no more, who is to impose a third restriction on the general words of the grant? If the power to lay duties, as known among all other nations, and as known in all our history, and as it was perfectly understood when the constitution was adopted, includes a right of discriminating, while exercising the power, and of laying some duties heavier and some lighter, for the sake of encouraging our own domestic products, what authority is there for giving to the words used in the constitution a new, narrow, and unusual meaning? All the limitations which the constitution intended, it has expressed; and what it has left unrestricted, is as much a part of its will as the restraints which it has imposed.

But these laws, it is said, are unconstitutional on account of the motive. How, sir, can a law be examined on any such ground? How is the motive to be ascertained? One House, or one member, may have one motive; the other House, or another member, another. One motive may operate to-day, and another to-morrow. Upon any such mode of reasoning as this, one law might be unconstitutional now, and another law, in exactly the same words, perfectly constitutional next year. Besides, articles may only be taxed for the purpose of protecting home products, but other articles may be left free, for the same purpose, and with the same motive. A law, therefore, would become unconstitutional from what it omitted as well as from what it contained. Mr. President, it is a settled principle, acknowledged in all legislative halls, recognised before all tribunals, sanctioned by the general sense and understanding of mankind, that there can be no inquiry into the motives of those who pass laws, for the purpose of determining on their validity. If the law be within the fair meaning of the words in the grant of power, its authority must be admitted until it is repealed. This rule, every where acknowledged, every where admitted, is so universal, and so completely without exception, as that even an allegation of fraud in the majority of a Legislature is not allowed as a ground to set aside a law.

But, sir, is it true that the motive for these laws is such as is stated? I think not. The great object of all these laws is, unquestionably, revenue. If there were no occasion for revenue, the laws would not have been passed; and it is notorious that almost the entire revenue of the country is derived from them. And, as yet, we have collected none too much revenue. The treasury has not been more exhausted for many years than at this moment. All that South Carolina can say is, that in passing the laws which she now undertakes to nullify, particular articles were taxed from a regard to the protection of domestic articles, higher than they would have been had no such regard been entertained. And she insists that, according to the constitution, no such discrimination can be allowed; that duties should be laid for revenue, and revenue only; and that it is unlawful to have reference, in any case, to protection. In other words, she denies the power of discrimination. She does not, and cannot, complain of excessive taxation; on the contrary, she professes to be willing to pay any amount for revenue, merely as revenue; and up to the present moment there is no surplus of revenue. Her grievance, then, that plain and palpable violation of the constitution which she insists has taken place, is simply the exercise of the power of discrimination. Now, sir, is the exercise of this power of discrimination plainly and palpably unconstitutional? I have already said the power to lay duties is given by the constitution in broad and general terms. There is also conferred on Congress the whole power of regulating commerce in another distinct provision. Is it clear and palpable, sir—can any man say it is a case beyond doubt—that under these two powers Congress may not justly discriminate in laying duties for the purpose of countervailing the policy of foreign nations, or of favoring our own home productions? Sir, what ought to conclude this question forever, as it would seem to me, is, that the regulation of commerce, and the imposition of duties, are, in all commercial nations, powers avowedly and constantly exercised for this very end. That undeniable truth ought to settle the question; because the constitution ought to be considered, when it uses well known language, as using it in its well known sense. But it is equally undeniable that it has been, from the very first, fully believed that this power of discrimination was conferred on Congress; and the constitution was itself recommended, urged upon the people, and enthusiastically insisted on, in some of the States, for that very reason. Not that, at that time, the country was extensively engaged in manufactures, especially of those kinds now existing. But the trades and crafts of the seaport towns, the business of the artisans, and manual laborers, these employments, the work of which supplies so great a portion of the daily wants of all classes, all these looked to the new constitution as a source of relief from the severe distresses which followed the war. It would, sir, be unpardonable, at so late an hour, to go into details on this point; but the truth is as I have stated. The papers of the day, the resolutions of public meetings, the debates in the conventions, all that we open our eyes upon, in the history of the times, prove it.

The honorable gentleman, sir, from South Carolina, has referred to two incidents connected with the proceedings of the convention at Philadelphia, which he thinks are evidence to show that the power of protecting manufactures by laying duties, and by commercial regulations, was not intended to be given by Congress. The first is, as he says, that a power to protect manufactures was expressly proposed, but not granted. I think, sir, the gentleman is quite mistaken in relation to this part of the proceedings of the convention. The whole history of the occurrence to which he alludes is simply this: Towards the conclusion of the convention, after the provisions of the constitution had been mainly agreed upon, after the power to lay duties and the power to regulate commerce had both been granted, a long list of propositions was made, and referred to the committee, containing various miscellaneous powers, some, or all of which, it was thought, might be properly vested in Congress. Among these, was a power to establish a university; to grant charters of incorporation; to regulate stage-coaches on the post-roads; and also the power to which the gentleman refers, and which is expressed in these words: "To establish public institutions, rewards, and immunities, for the promotion of agriculture, commerce, trades, and manufactures." The committee made no report on this or various other propositions in the same list. But the only inference from this omission is, that neither the committee nor the convention thought it proper to authorize Congress "to establish public institutions, rewards, and immunities" for the promotion of manufactures and other interests. The convention supposed it had done enough, (at any rate it had done all it intended,) when it had given to Congress, in general terms, the power to lay imposts and the power to regulate trade. It is not to be argued, from its omission to give more, that it meant to take back what it had already given. It had given the impost power; it had given the regulation of trade; and it did not deem it necessary to give the further and distinct power of establishing public institutions.

The other fact, sir, on which the gentleman relies, is the declaration of Mr. Martin to the Legislature of Maryland. The gentleman supposes Mr. Martin to have urged against the constitution that it did not contain the power of protection. But, if the gentleman will look again at what Mr. Martin said, he will find, I think, that what Mr. Martin complained of was, that the constitution, by its prohibitions on the States, had taken away from the States themselves the power of protecting their own manufactures by duties on imports. This is undoubtedly true; but I find no expression of Mr. Martin intimating that the constitution had not conferred on Congress the same power which it had thus taken from the States.

But, sir, let us go to the first Congress; let us look in upon this and the other House, at the first session of their organization.

We see in both Houses men distinguished among the friends, framers, and advocates of the constitution. We see in both those who had drawn, discussed, and matured the instrument in the convention, explained and defended it before the people, and were now elected members of Congress to put the new Government into motion, and to carry the powers of the constitution into beneficial execution.

At the head of the Government was Washington himself, who had been president of the convention; and in his cabinet were others most thoroughly acquainted with the history of the constitution, and distinguished for the part taken in its discussion.

If these persons were not acquainted with the meaning of the constitution, if they did not understand the work of their own hands, who can understand it, or who shall now interpret it to us?

Sir, the volume which records the proceedings and debates of the first session of the House of Representatives lies before me. I open it, and I find, that, having provided for the administration of the necessary oaths, the very first measure proposed for consideration is the laying of imposts; and in the very first Committee of the Whole into which the House of Representatives ever resolved itself, on this its earliest subject, and in this its very first debate, the duty of so laying the imposts as to encourage manufactures was advanced, and enlarged upon by almost every speaker; and doubted or denied by none. The first gentleman who suggests this as the clear duty of Congress, and as an object necessary to be attended to, is Mr. Fitzsimons, of Pennsylvania; the second, Mr White, of Virginia; the third, Mr. Tucker, of South Carolina.

But the great leader, sir, on this occasion, was Mr. Madison. Was he likely to know the intentions of the convention and the people? Was he likely to understand the constitution?

At the second sitting of the committee Mr. Madison explained his own opinions of the duty of Congress fully and explicitly. I must not detain you, sir, with more than a few short extracts from these opinions, but they are such as are clear, intelligible, and decisive.

"The States," says he, "that are most advanced in population, and ripe for manufactures, ought to have their particular interests attended to, in some degree. While these States retained the power of making regulations of trade, they had the power to cherish such institutions. By adopting the present constitution, they have thrown the exercise of this power into other hands; they must have done this with an expectation that those interests would not be neglected here."

In another report of the same speech, Mr. Madison is represented as using still stronger language; as saying that the constitution having taken this power away from the States, and conferred it on Congress, it would be a fraud on the States and on the people were Congress to refuse to exercise it.

Mr. Madison argues, sir, on this early and interesting occasion, very justly and liberally in favor of the general principles of unrestricted commerce. But he argues also, with equal force and clearness, for certain important exceptions to these general principles.

The first, sir, respects those manufactures which had been brought forward under encouragement by the State Governments. "It would be cruel," says Mr. Madison, "to neglect them, and to divert their industry into other channels; for it is not possible for the hand of man to shift from one employment to another without being injured by the change." Again: "There may be some manufactures which, being once formed, can advance towards perfection without any adventitious aid; while others, for want of the fostering hand of Government, will be unable to go on at all. Legislative provision, therefore, will be necessary to collect the proper objects for this purpose; and this will form another exception to my general principle." And again: "The next exception that occurs is one on which great stress is laid by some well-informed men, and this with great plausibility; that each nation should have within itself the means of defence, independent of foreign supplies; that, in whatever relates to the operations of war, no State ought to depend upon precarious supplies from any part of the world. There may be some truth in this remark, and therefore it is proper for legislative attention."

In the same debate, sir, Mr. Burke, from South Carolina, supported a duty on hemp, for the express purpose of encouraging its growth on the strong lands of South Carolina. "Cotton," he said, "was also in contemplation among them; and, if good seed could be procured, he hoped might succeed." Afterwards, sir, the cotton seed was obtained, its culture was protected, and it did succeed. Mr. Smith, a very distinguished member from the same State, observed: "It has been said, and justly, that the States which adopted this constitution expected its administration would be conducted with a favorable hand. The manufacturing States wished the encouragement of manufactures; the maritime States the encouragement of shipbuilding; and the agricultural States the encouragement of agriculture."

Sir, I will detain the Senate by reading no more extracts from these debates. I have already shown a majority of the members from South Carolina, in this very first session, acknowledging this power of protection, voting for its exercise, and proposing its extension to their own products. Similar propositions came from Virginia; and, indeed, sir, in the whole debate, at whatever page you open the volume, you find the power admitted, and you find it applied to the protection of particular articles, or not applied, according to the discretion of Congress. No man denied the power—no man doubted it; the only questions were, in regard to the several articles proposed to be taxed, whether they were fit subjects for protection, and what the amount of that protection ought to be? Will gentlemen, sir, now answer the argument drawn from those proceedings of the first Congress? Will they undertake to deny that that Congress did act on the avowed principle of protection? Or, if they admit it, will they tell us how those who framed the constitution fell, thus early, into this great mistake about its meaning? Will they tell us how it should happen that they had so soon forgotten their own sentiments, and their own purposes? I confess I have seen no answer to this argument, nor any respectable attempt to answer it. And, sir, how did this debate terminate? What law was passed? There it stands, sir, among the statutes, the second law in the book. It has a preamble, and that preamble expressly recites that the duties which it imposes are laid "for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures." Until, sir, this early legislation, thus coeval with the constitution itself, thus full and explicit, can be explained away, no man can doubt of the meaning of that instrument.

Mr. President, this power of discrimination, thus admitted, avowed, and practised upon, in the first revenue act, has never been denied or doubted until within a few years past. It was not at all doubted in 1816, when it became necessary to adjust the revenue to a state of peace. On the contrary, the power was then exercised, not without opposition as to its expediency, but, as far as I remember, or have understood, without the slightest opposition founded on any supposed want of constitutional authority. Certainly, South Carolina did not doubt it. The tariff of 1816 was introduced, carried through, and established, under the lead of South Carolina. Even the *minimum* is of South Carolina origin. The honorable gentleman himself supported, and ably supported, the tariff of 1816. He has informed us, sir, that his speech on that occasion was sudden and off-hand, he being called upon by the request of a friend. I am sure the gentleman so remembers it, and that it was so; but there is, nevertheless, much method, arrangement, and clear exposition, in that extempore speech. It is very able, very, very much to the point, and very decisive. And in another speech, delivered two months earlier, on the proposition to repeal the internal taxes, the honorable gentleman had touched the same subject, and had declared "that a certain encouragement ought to be extended, at least to our woollen and cotton manufactures." I do not quote these speeches, sir, for the purpose of showing that the honorable gentleman has changed his opinion; my object is other, and higher. I do it for the sake of saying that that cannot be so plainly and palpably unconstitutional as to warrant resistance to law, nullification, and revolution, which the honorable gentleman and his friends have heretofore agreed to, and acted upon, without doubt and without hesitation. Sir, it is no answer to say that the tariff of 1816 was a revenue bill. So are they all revenue bills. The point and the truth is, that the tariff of 1816, like the rest, did discriminate; it did distinguish one article from another; it did lay duties for protection. Look to the case of coarse cottons, under the minimum calculation; the duty on these was sixty to eighty per cent. Something besides revenue certainly was intended by this; and, in fact, the law cut up our whole commerce with India in that article. It is, sir, only within a few years that Carolina has denied the constitutionality of these protective laws. The gentleman himself has narrated to us the true history of her proceedings on this point. He says that, after the passing of the law of 1828, despairing then of being able to abolish the system of protection, political men went forth among the people, and set up the doctrine that the system was unconstitutional. "And the people," says the honorable gentleman, "received the doctrine." This, I believe, is true, sir. The people did then receive the doctrine; they had never entertained it before. Down to that period, the constitutionality of these laws had been no more doubted in South Carolina than elsewhere. And I suspect it is true, sir, and I deem it a great misfortune, that, to the present moment, a great portion of the people of the State have never yet seen more than one side of the argument. I believe that thousands of honest men are involved in scenes now passing, led away by one-sided views of the question, and following their leaders by the impulses of an unlimited confidence. Depend upon it, sir, if we can avoid the shock of arms, a day for reconsideration and reflection will come; truth and reason will act with their accustomed force, and the public opinion of South Carolina will be restored to its usual constitutional and patriotic tone.

But, sir, I hold South Carolina to her ancient, her cool, her uninfluenced, her deliberate opinions. I hold her to her own admissions, nay, to her own claims and pretensions, in 1789, in the first Congress, and to her acknowledgments and avowed sentiments through a long series of succeeding years. I hold her to the principles on which she led Congress to act in 1816; or, if she has changed her own opinions, I claim some respect for those who still retain the same opinions. I say she is precluded from asserting that doctrines which she herself so long and so ably sustained, are plain, palpable, and dangerous violations of the constitution.

Mr. President, if the friends of nullification should be able to propagate their opinions, and give them practical effect, they would, in my judgment, prove themselves the most skilful "architects of ruin," the most effectual extinguishers of high-raised expectation, the greatest blasters of human hopes, which any age has produced. They would stand up to proclaim, in tones which would pierce the ears of half the human race, that the last great experiment of representative government had failed. They would send forth sounds, at the hearing of which the doctrine of the divine right of kings would feel, even in its grave, a returning sensation of vitality and resuscitation. Millions of eyes, of those who now feed their inherent love of liberty on the success of the American example, would turn away from beholding our dismemberment, and find no place on earth whereon to rest their gratified sight. Amidst the incantations and orgies of nullification, secession, disunion, and revolution, would be celebrated the funeral rites of constitutional and republican liberty.

But, sir, if the Government do its duty; if it act with firmness and with moderation, these opinions cannot prevail. Be assured, sir, be assured, that, among the political sentiments of this people, the love of union is still uppermost. They will stand fast by the constitution, and by those who defend it. I rely on no temporary expedients—on no political combination—but I rely on the true American feeling, the genuine patriotism of the people, and the imperative decision of the public voice. Disorder and confusion, indeed, may arise; scenes of commotion and contest are threatened, and perhaps may come. With my whole heart, I pray for the continuance of the domestic peace and quiet of the country. I desire most ardently the restoration of affection and harmony to all its parts. I desire that every citizen of the whole country may look to this Government with no other sentiments but those of grateful respect and attachment. But I cannot yield, even to kind feelings, the cause of the constitution, the true glory of the country, and the great trust which we hold in our hands for succeeding ages. If the constitution cannot be maintained without meeting these scenes of commotion and contest, however unwelcome, they must come. We cannot, we must not, we dare not, omit to do that which, in our judgment, the safety of the Union requires. Not regardless of consequences, we must yet meet consequences; seeing the hazards which surround the discharge of public duty, it must yet be discharged. For myself, sir, I shun no responsibility justly devolving on me, here or elsewhere, in attempting to maintain the cause. I am tied to it by indissoluble bands of affection and duty, and I shall cheerfully partake in its fortunes and its fate. I am ready to perform my own appropriate part whenever and wherever the occasion may call on me, and to take my chance among those upon whom blows may fall first and fall thickest. I shall exert every faculty I possess in aiding to prevent the constitution from being nullified, destroyed, or impaired; and even should I see it fall, I will still, with a voice, feeble, perhaps, but earnest as ever issued from human lips, and with fidelity and zeal which nothing shall extinguish, call on the PEOPLE to come to its rescue.

[Mr. Webster not having concluded his speech at three o'clock, when the Senate adjourned for the daily recess, he resumed at five, and continued to speak till eight, P. M. The press of the immense concourse, of both sexes, which filled the galleries, the lobbies, and even the floor of the Senate chamber, during the evening sitting, was greater, if possible, than it was during the forenoon. At the conclusion of Mr. W.'s speech, there was a spontaneous burst of applause from the galleries.]

Mr. POINDEXTER moved an adjournment; but the President ordered the galleries to be cleared, and would not receive the motion to adjourn until the order had been executed; when

The Senate adjourned.

Monday, February 18.

PRINTER TO CONGRESS.

On motion of **Mr. CHAMBERS**, the Senate took up the resolution appointing a day for the election of a public printer.

Mr. CHAMBERS then modified the resolution, so as to read "Tuesday."

Mr. BENTON then made an explanation of the reasons which had induced him to introduce the joint resolution on this subject. He had done this with a view to vindicate the right of every Congress to elect its own officers, not only in reference to the Speaker and other officers of the House, but also as regards public printers. He stated that, for the first thirty years of this Government, there had been no public printer known; but that the public printing was executed by contract, made with the Secretary of the Senate and Clerk of the House. In the year 1819 the first election of public printer was made, and thus the present system was introduced. This change was made for the convenience of the new Congress, and was subsequently acquiesced in. So long as this arrangement has suited the convenience of Congress, and there has arisen no evil in consequence of an opposition in political feeling, it was not interfered with. But now that political parties had risen to such a height, and that the office of public printer had grown so considerably in importance, he thought that a change should again take place. The public printer received large sums from the public treasury, and was a confidential officer; and it was not to be justified that a public printer should be elected, who wielded a press intended to put down the existing administration. Assuming that the character of the next Congress would harmonize with that of the administration, he thought that the election of a printer now would be for the annoyance instead of the convenience of the next Congress. If, in providing fuel for the next Congress, the officers of the House should provide rotten pine, he would not touch it. If they provided cartridge paper to write on, which would not bear ink, he would not touch it. So, when a public printer was elected, whose principles he disapproved, his voice should be raised up against him. He thought, therefore, that the election of public printer ought to be postponed until the next session.

Mr. CHAMBERS observed that the printer they should elect might happen to be a good administration man; might be very acceptable to the Senate, or the reverse. But all he had to say was, that the law of the land obliged them now to proceed to the election of a printer, and this had been the uniform practice of both Houses.

Mr. FOOT referred to the journals, to show that there was an inconsistency between the former course of the Senator from Missouri and the present.

Mr. HOLMES thought it was of little importance whether the opinions of the printer were in favor of the administration or against it; for it was difficult to understand what is the administration. If the principle contended for was to be adopted, and the next Congress should be against the administration, another change of printers would be rendered necessary. The House being in favor of the administration, and having chosen their printer, had, of course, chosen a printer favorable to the administration; and now it was proposed to undo what the House had done. He thought it very likely that the Senate would have some difficulty in persuading the House that the election by that body was not in accordance with law, and ought to be rescinded.

Mr. BENTON said the joint resolution which he had offered was not now before the Senate, and he could not have an opportunity to go fully into his views. In the instance quoted by the Senator from Connecticut, he had acted on the same principle on which he now acted, and that was, to elect a printer favorable to the views of the administration.

Mr. SPRAGUE thought that, instead of suffering party feelings to obtain extended influence, their weight ought to be diminished in this body; and the Senate should not openly countenance the doctrine, that a party character ought to be given to all their elections and measures. He thought the reason given by the Senator from Missouri, for altering the rule, was the strongest against its alteration. It was a rule adopted in better times, when there was less of party feeling and party excitement. He hoped that the usual course would not be departed from.

Mr. EWING saw no great weight in the reason urged, that a public printer must be elected for the purpose of lauding the administration. He thought it would be about as proper to make contracts for fuel with reference to the political and party feelings of the cartman who carried the wood. The Senate might as well exact a political test from every man with whom a contract was made.

Mr. BENTON said he was not one of those hypocrites who pretend to act without reference to political party. He made no sermons, no homilies, against party action. When the gentleman from Ohio expressed regret that he (Mr. B.) should have put this question on a party footing, he (Mr. B) hoped that the gentleman would reserve his regrets for those who needed them. They were out of place when addressed to him. He adverted to the influence which a paper patronized by Congress must exercise in putting down an administration.

Before Mr. B. had concluded, the hour of twelve having arrived,

Mr. CHAMBERS moved to lay the special order on the table.

Mr. WILKINS asked for the yeas and nays, which were taken, and stood as follows:

YEAS.—Messrs. Bibb, Calhoun, Chambers, Clayton, Foot, Holmes, Johnston, King, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Robbins, Ruggles, Tyler, Waggaman—18.

NAYS.—Messrs. Bell, Benton, Black, Buckner, Clay, Dallas, Dickerson, Dudley, Ewing, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Kane, Prentiss, Rives, Robinson, Seymour, Silsbee, Sprague, Smith, Tipton, Tomlinson, White, Wilkins, Wright—27.

So the motion to lay on the table was negatived.

REVENUE COLLECTION BILL.

The Senate then proceeded to consider the bill to provide further for the collection of the duties on imports.

Mr. **POINDEXTER**, who was entitled to the floor, rose and said he was compelled to decline any participation in the debate at this time, on account of the state of his health. If the subject should be postponed, he hoped to be able at another time to address the Senate in relation to it.

The **CHAIR** having stated the question to be "Shall this bill be ordered to be engrossed and read a third time?"

Mr. **CALHOUN** said he had not anticipated this question for this morning. When it was put, he hoped there would be a full Senate. He moved the postponement of the further consideration of the bill till to-morrow.

Mr. **FORSYTH** hoped the postponement would not take place, as the session was drawing to a close. He had a desire to address the Senate on the question before it, but was not disposed to do it to-day. He had come here this morning, expecting to hear the honorable Senator from Mississippi. He would suggest that, if no additional amendments were to be offered, the bill should be passed to a third reading, and discussed on its passage.

Mr. **CALHOUN**: The third reading of a bill, as the Senator knows, is the most trying question. Having a solemn conviction of the importance of the question, I wish it to be taken in full Senate. Among the absentees is the colleague of the Senator from Georgia, whose high character in the United States, and great influence in his own State, render it desirable that his vote should be given on the question.

Mr. **SMITH** said it was true that the principle of a bill was tested on the third reading. If no further amendments were to be offered, then, on the third reading, the principle of the bill comes up.

Mr. **FORSYTH** said the absence of his colleague did not render necessary any delay in the action of the Senate. He would be here as soon as he was notified that the question was to be taken. He wished to delay his remarks on the bill until it was ascertained whether it was to pass the Senate. He wished to speak of it as a law which was to go to the people.

Mr. **CALHOUN** had no other object, he said, than to procure a full discussion of the measure, and he regretted the inability of the Senator from Mississippi to proceed at present. If any gentleman wished to offer an amendment, or to address the Senate, he would withdraw his motion to postpone.

The motion having been withdrawn,

Mr. **FORSYTH** moved to amend the bill, by adding certain words to the last section of the bill, and striking out the words "first and fifth sections" therefrom. The object and effect of this amendment was to limit the existence of the entire act to the end of the next session of Congress, instead of limiting the existence of the first and fifth sections only. He regarded the measure merely as one intended to meet a certain exigency, which he hoped would soon pass away. He asked for the yeas and nays, which were ordered.

Mr. **POINDEXTER**, being opposed to the entire bill, could not assent to the amendment. He objected to the amendment, that it did not go far enough. All the suits resulting from the act should fall at the expiration of the act.

Mr. **CHAMBERS** could see no inconvenience resulting from the amendment. Its effect was to limit the operation of the whole law to one year. There were some provisions in the bill which he should be glad to see made permanent law.

Mr. **FORSYTH**: That can be done hereafter.

Mr. **WILKINS** said the committee were of the opinion that all the provisions, except the first and fifth sections, ought to be engrafted on our judiciary system. The case of the refusal of a clerk of a State court to furnish a copy of the record had twice occurred, and had not been provided for, except by this bill.

Mr. **MANGUM** was in favor of the amendment. The provisions, if found beneficial, could be re-enacted hereafter.

Mr. **KANE** suggested a modification of the amendment, so as to extend it to the limitation of all suits arising under the act, which shall be pending at its expiration.

Mr. **FORSYTH** accepted the modification. He did not look at the propriety or impropriety of other provisions of the bill, as a permanent and general measure. He viewed them only as applicable to a particular state of things. He did not like the judicial provisions. They were more objectionable than the military provisions, in his opinion.

Mr. **WEBSTER** briefly noticed the effects of this amendment. The provisions of the bill, which it was now proposed to limit, were the judicial processes intended to counteract those of the State of South Carolina. The provisions of that State were permanent in their character; and if the provisions of this bill were to be limited, after the expiration of that limit there would be no remedy in existence against the measures of the State. He was quite willing that the sections placing in the hands of the Executive the military force should be limited to the termination of the next session; but the proceedings of the courts, intended to countervail those of the courts of South Carolina, ought not to be limited, as the provisions of South Carolina were unlimited. To limit these provisions to a single year, would be to defeat the object altogether, as there are certain proceedings to which they refer which cannot arise within the year. The bill would always be within the reach of Congress, to amend or repeal whenever it might be deemed proper so to do. If any limitation were to be fixed, he would prefer to make it for a longer period. He desired to see these judicial provisions established as a part of our permanent system; and he believed that, had such been the case before, this contingency would never have occurred. He hoped the amendment would not prevail.

Mr. **CALHOUN** asked if he had understood the Senator from Georgia as stating that his colleague had acquiesced in the judicial provisions of the bill? He said that he should vote for this amendment; but he believed that every part of the bill was a violation of the constitution, and that it was all throughout liable to the strongest objections.

Mr. **FORSYTH** said that what he understood, was, that the Senator from South Carolina had principally objected to the provisions of the bill which were most directly warlike in their character, and had regarded the provisions providing for countervailing civil process as less odious. He regarded the objections of the Senator from Massachusetts as applicable as well to the other provisions of the bill as those now under consideration. For himself, he did not wish to view the bill, in any of its provisions, as a permanent measure. He had no desire to blend it into the permanent judicial system of the country. If it should ever be the desire of Congress so to blend it, he wished that it might be done at a time when no such topics should present themselves as were now so prominent in every

Senator's mind, and then the subject could be calmly and deliberately discussed.

The question was then taken on the amendment, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Calhoun, Dickerson, Forsyth, Hill, Kane, King, Mangum, Miller, Moore, Rives, Smith, Tyler, Waggaman, White, Wright—18.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Poindexter, Robbins, Robinson, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, Wilkins—26.

Mr. POINDEXTER then rose and stated that it must be evident that, to carry into effect the provisions of the bill, some appropriation was necessary. The bill authorized the calling into operation the military force of the country, but provided no means for defraying the expenses. The constitution had prohibited the withdrawal of any money from the treasury, unless under an appropriation by law. The Senate was now about to employ the army and navy to carry into effect the provisions of the bill, and the President ought to be limited in the expenditures for this purpose. He concluded with moving to amend the bill by inserting a new section, providing that, for the purpose of carrying into effect the provisions of this bill, the sum of —— dollars shall be, and is hereby appropriated.

Mr. GRUNDY expressed a hope that the gentleman from Mississippi would fill up the blank with some sum.

Mr. POINDEXTER said he would leave that to the Committee on the Judiciary.

Mr. GRUNDY said the Judiciary Committee wanted no money; but, if the gentleman from Mississippi was disposed to grant an appropriation, it would be agreeable to the committee to know what amount he was willing to give.

Mr. CALHOUN expressed his surprise at the course of the gentleman from Tennessee. Did that gentleman mean to say that no money would be required for the purposes of the bill? The fact must be apparent, that no appropriation is a universal appropriation. The President would be able to take from the treasury what he pleased, and Congress and the people would be pledged to replace it in the treasury. He was surprised at this course. It belonged to those who had introduced and who advocated this bill to say what amount of money would be required. It did not belong to the Senator from Mississippi. If the Senate intended to give the sword to the President, they ought not to give him the purse also. He looked upon this as one of the most arbitrary of all the provisions of this most arbitrary bill.

Mr. GRUNDY stated that the Senator from South Carolina was more competent than any other person to determine whether or not there would be any necessity for the employment of force. If the authorities of the State of South Carolina should offer resistance to the laws, then would arise the necessity for the employment of force. But he was of opinion that, unless it was produced by the act of South Carolina, there would be no collision; and no expenditure would be necessary, unless there should be collision. The committee hoped that no such collision would arise; but, if it should, provision could be made for the expenditure by the next Congress.

Mr. CALHOUN said that the whole of this business indicated an unsoundness of legislation. The bare possibility of a collision ought to be deemed sufficient to induce the committee to make the appropriation. Unsound legislation! He had never seen any instance of a nation hurrying so rapidly towards a state of despotism. The gentleman had said that there would be no expenditure unless resistance should be commenced by South Carolina. What did the Senator mean by resistance? It would be seen that, in this bill, the President had the power to interrupt the civil process of the State courts. Did the Senator suppose that the State of South Carolina would acquiesce in this interruption? No. If the President had the power to interrupt the process, he would also have the power to close the courts, and to close the hall of legislation. He might treat the Legislature as a lawless assemblage; and what course could be then left to the State but resistance? She would be forced into resistance. Yes, she would be thus compelled to resist. But the question of time was a far different question. He thanked God that this question was in other hands to decide. South Carolina, in deciding this question, would make the issue with a deliberate judgment, but with irresistible firmness. He was amazed at the course which had been taken. The provisions of this bill went beyond any thing he could have conceived. He would reverse the argument of the Senator from Tennessee, and say there could be no collision unless it proceeded from the conduct of the General Government.

Mr. SMITH referred to the course which had been pursued in reference to the dispute with Pennsylvania, when similar powers were vested in the President, and the military force was called out. An appropriation was made at the following session to defray the expenditures caused by that disturbance. He did not apprehend the occurrence of any war. He believed that the very first section of the bill put it out of the power of South Carolina to go to war. There could be no fighting, as a sufficient guard was provided against the State of South Carolina getting hold of any property which could produce such an evil.

On motion of **Mr. POINDEXTER**, the yeas and nays were ordered on this question.

The question was then taken, and decided as follows:

YEAS.—Messrs. Bibb, Calhoun, Mangum, Moore, Poindexter—5.

NAYS.—Messrs. Bell, Benton, Black, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, King, Knight, Miller, Naudain, Prentiss, Rives, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Tyler, Waggaman, Webster, Wilkins, White, Wright—41.

Mr. BIBB then moved to amend the bill by adding a section limiting the expenditure to three millions. And on this question the yeas and nays were ordered.

Mr. FORSYTH commenced a series of observations on this motion, which he continued until three o'clock. His argument, commencing with the precise motion before the Senate, gradually expanded into a view of the whole subject under debate. Before he concluded—

At 3 o'clock, the Senate, according to its new rule, adjourned, to meet again at 5.

Mr. WILKINS gave notice that he should, at the evening session, unless some gentleman was anxious to make some observations, urge the question on the engrossment of the bill.

EVENING SESSION.

Mr. FORSYTH resumed. As regarded the exciting question of nullification, that doctrine he held was untenable. No individual State possessed the right of nullification from any sovereignty residing in her. Sovereignty, he contended, did not exist in the States, separately or individually, since the Union. Since that period, it resided in the United States as a whole; and by them alone could it be exercised, and in the mode defined by the constitution. Much ingenuity had been called forth in support of nullification; but mystify it as they pleased, it could not stand the test of argument. The doctrine was preposterous; it was a mere web of sophism and casuistry. And the arguments in its favor, if analyzed, and put through the alembic, would result in the double distilled essence of nonsense. But, having thus denounced nullification, he would admit that the position which South Carolina had taken had served one good purpose, that of opening the eyes of the country to the injustice done to the South by an odious and oppressive tariff. As regarded the tariff, the whole South were with South Carolina, in the general principle of resistance to it; but they differed from her in the mode which she had thought fit to adopt. But if the tariff was odious, and must finally be put an end to, neither could the course of South Carolina be defended, or tolerated, with safety to the Union. He looked forward in anticipation to the period as nigh at hand, when the protective system must expire, and, in like manner, when nullification would sink into the grave. He hoped soon to see them buried in the same tomb; and willingly would he then pronounce their funeral oration, and inscribe on their monument the epitaph—"*requiescat in pace.*"

Mr. F. then proceeded to defend the course which Georgia had taken relative to the missionaries and the Cherokees, contending that there was nothing analogous in it to that of South Carolina. Alluding to the imprisonment of the missionaries, he thus continued his remarks: The character of a minister of the gospel is most respectable, who, for the welfare of men, gives up the interests and the objects of earth. He is the object of the greatest respect. To me he is an object of envy. I never see such a man without feeling my own worthlessness. There is something divine in his pursuits. Behold him sitting

> "Beside the bed where parting life was laid,
> With sorrow, guilt, and fear, by turns dismayed,
> The reverend champion stood. At his control,
> Despair and anguish fled the struggling soul:
> Comfort came down, the trembling wretch to raise,
> And his last faltering accents whisper'd praise."

Such a man partakes of that divine nature, that came among men to spread the doctrines and sentiments of peace. But the man of the opposite character, who mixes politics with religion; who relies on the world, while he professes to live above it; who covers with a cloak of hypocrisy his ambition and avarice, no language could express what every man should feel in view of such a man: to me he is the object of extreme abhorrence.

Sir, the State of Georgia warred in a contest, not against justice and religion, but against craft and hypocrisy. The subject of dispute did not relate to human rights, but to the rights of citizens of the United States. The citizens of the United States had no common bond of justice to individuals and the State. I hope this liberty was reserved to the families whom they voluntarily abandoned. I hope they had a consciousness of being in the right. But we may look back on this affair with no other emotion than that of self-respect. It was mixed with politics. We struggled, not against the United States, but a meddling priesthood. It has been said in the Senate, and every where else, that Georgia wished to grasp the possessions of the Cherokees; that South Carolina beat the bush, but Georgia got the bird. Sir, nothing is more untrue. Sir, the property was ours by all the principles of right and justice. There was an incumbrance on our rights, which required to be removed. All deemed it necessary to remove it. This was a duty not belonging to us, but to the United States. Government had promised peremptorily to effect its removal. Sir, we had waited thirty years for the fulfilment of this promise; and now we have been accused of disregarding all considerations of justice. We have gained nothing by the contest, except our own property. As to the Indians, the race has never been treated with the same kindness in any State in the Union. They held the use of the property, and if they were disturbed by those citizens of Georgia to whom it had fallen, the possession was forfeited. Georgia had no interest in the affair, but to exact the performance of a solemn contract.

Sir, the distinguishing difference between Georgia and South Carolina is this: in virtue of a compact Georgia was the rightful owner of the property, for which she contended. She did not interfere to interrupt the laws of Congress; but she relied on her own contract, a contract with her equal. The Georgia controversy was of a peculiar character, and might last a hundred years, without interrupting the laws, or disturbing the peace of the country. If the question had ultimately gone to the Supreme Court, and that court had decided against us, in the last extremity, the President might have called on military force to execute its decree. But it would be for him to decide whether or not he should do it. Sir, I do not dive into the policy of the President; but I know one thing: I am confident he would not have resorted to force without necessity. I saw a variety of ways in which the matter might be settled without such necessity. In the extremity of the contest with the Cherokees, the language of the President might have been this, in case the great question in the Supreme Court had been decided against us: I ask you now, Governor of the State of Georgia, in order to prevent further trouble, to turn these Cherokees out of doors.

It is very important, Mr. President, in all questions in a Government like ours, particularly in discussions in a body like this Senate, that justice should be done to the motives of every body; and I hope, therefore, I shall be excused. I have seen, here and elsewhere, a disposition to liken us to colonies. Gentlemen look forward to another revolution. Sir, there is a contrast, but not a resemblance. When colonies, we did not complain that we were oppressed by a tax, but that we were taxed, and not represented. We believed that it was the right of our own legislative bodies to impose taxes. Sir, is this the complaint of South Carolina? It is of a different character. Their complaint is not that they are not represented, but that they have not a sufficient influence; that here they are heard, but not heeded; that it is in vain to reason and remonstrate; it is all an empty mockery. They have their full share of talent, but their voice is not heard. Sir, I am sure this is not true; it is founded on an assumption that a great majority of the people of the United States are interested in maintaining the protective system. I hope it is not true that they are so interested; but the business of protection, even if it fail now, will be resumed, if the majority of the people are satisfied that it is for the happiness and interest of the majority. The doctrine, as it is now regarded in the Senate, makes me believe that it is not for the interest of the majority, but prejudicial to the United States. The whole burden is, that the many may be taxed for the benefit of the few, composing a very small portion of the community. There is a great contrast, and we could fear nothing, but for what South Carolina admits she has done.

Sir, this bill has been likened to the Boston port bill, which was adopted in consequence of throwing the tea overboard. Sir, is it intended to operate to the injury of Charleston, for the benefit of another port? It is quite the reverse. It is the object to keep the custom-house in Charleston, and that its advantages shall be enjoyed by Charleston. Here, too, is a contrast between the case of the colonies and that of South Carolina. There is another, in the language of the proclamation of the President of the United States, that was kind and conciliatory; while the British general, in his proclamation, was thirsting for vengeance.

Sir, may I be permitted to say, with regret, that any overture from the President is received with dislike, on the part of South Carolina? They reject his kind offers and soothing speeches, and call him a tyrant, wreaking his vengeance on the land of his birth. He has a great desire to do justice, but he is misinterpreted and disbelieved. But from the high-tariff men, when they make an offer of an equivocal character, it is hailed with joy; it is the rainbow on the bosom of the thunder storm; it is oil poured on the troubled waves. While the offers of the President are rejected, they are about to make a peace with their inveterate enemies. They reject the President, doubting his desire that peace should be made.

South Carolina, in the midst of all her projects during the last year, has professed a devoted attachment to the Union. She loves it with all her heart. Sir, she loves it too much; she is so devoted to it, that she is scarcely willing that any body should save it but herself. Similar professions were made by the Hartford convention; they loved the Union, were devoted to the Union so much, that nobody must govern it but themselves. They put the people in distress, that the people might take refuge in their arms. Their affection was like that of the lover, who gets the object of his attachment into distress and difficulty, that he may show his heroic gallantry by coming forward to afford her relief, that she may then fly to him for refuge. Sir, she usually goes the other way, and the stratagem seldom produces the effect desired; it causes a suspicion of the purity of the flame within.

Sir, from all existing appearances, this question is in a course of settlement. If every thing were in the hands of South Carolina, it would be settled at once. But it is not so, and therefore I hope this bill will pass. Under existing circumstances, any foreigner has the power to compromit the peace of South Carolina. A wretch, a heartless foreign agent, who desires to lay this fair fabric waste, has it in his power to bring this matter into collision at once. There are already symptoms that some foreign agents in Charleston are about to do so. They have begun to nibble, and ought to be arrested. I hope, sir, this bill will pass, that the custom-house may be removed, and that the foreign villain may be shot down like a wolf. Sir, would any man hesitate? Never, never, never; it would be the extravagance of weakness to do so. And yet Carolina, proud and generous, has placed the issue of blood in such hands.

Sir, I ought to apologize to the Senate for not preparing for this discussion; and I hope the unexpected circumstances of the case will be deemed a sufficient apology.

The question was then taken on the motion of Mr. BIBB, and decided as follows:

YEAS.—Messrs. Calhoun, Miller, Moore, Tyler—4.

NAYS.—Messrs. Benton, Black, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, King, Mangum, Naudain, Prentiss, Rives, Robbins, Robinson, Ruggles, Silsbee, Smith, Sprague, Tipton, Tomlinson, Troup, Waggaman, Webster, Wilkins, White, Wright—38.

Mr. MILLER said he rose to explain the reasons which had influenced his vote in favor of the amendment proposed by the Senator from Kentucky, and against the amendment of the Senator from Mississippi. The proposition of the Senator from Kentucky was to restrain or limit the amount of expenditure which the President might incur under this bill; although the amendment of the Senator from Mississippi may have had the same object in view, yet it did not, on the face, purport to be a limitation, but an appropriation to carry into effect the enactments of the bill. This he could not consent to vote for. It would be a virtual assent to the provisions of the bill, to furnish the means to carry it into effect.

While upon the floor, I will notice some of the positions of the Senator from Georgia. It is an act of justice to the State I represent, and to myself individually, to set the Senator right upon more points than one, in the observations he has just closed. The Senator from Georgia has affirmed that South Carolina has not met, in a proper spirit, the efforts of the President to adjust the tariff, while she has manifested a perfect cordiality towards the advances made from another quarter. Pray, sir, on what foundation does the Senator rest this assertion? Where is the evidence of the fact? where the proof? I appeal to every one who hears me, to say whether the voice of South Carolina, by her representatives here, and her press at home, has not strenuously sustained the President's opening message on the subject of the tariff? The sentiments of the Chief Magistrate, recommending the repeal of the act of last session, and the reduction of the taxes to the wants of the Government, have not only been approved of by the South Carolina delegation, but universal approbation has been the echo from the people of that State. We have nothing in view but legitimate reform. Every aid in achieving our object is cordially and most cheerfully received. When the Senator from Kentucky had made his move upon the troubled wave, but little hopes were entertained that the Executive influence would succeed, at the present session, in reforming the evil. We had met the proposition to adjust this controversy, coming from that quarter, in the same spirit of kindness. Sir, I repeat it, there is no foundation for the imputation made by the Senator from Georgia, that we have not met, in a proper temper and feeling, the President's efforts to adjust this question.

Mr. M. said, it was his duty to notice some other expressions of the Senator from Georgia, having a direct bearing on South Carolina. He did me no more than justice when he intimated that he presumed I was gratified at the successful termination of the Georgia controversy. I have always maintained that Georgia was right, in her contest with the Federal Government. In an official form, in another responsible station, I have expressed my friendship for that State, and I have been assailed in no very measured terms, by the political friends of the Senator in South Carolina, for these opinions. It was considered a great outrage upon principle in me, to treat the United States as a foreign Government, so far as she attempted to control the local and domestic rights of Georgia.

I have always considered the questions made by Georgia and South Carolina as one and the same. I am entirely incapable of perceiving any difference. With such a belief, it was natural that the people of South Carolina should feel gratified at the successful termination of the Georgia controversy. While that State was struggling with power, and boldly and bravely standing forth the champion of State rights, we stood ready to aid her with our strength, and sustain her by our countenance and sympathy. If, while the battle was raging, South Carolina moved alongside of her sister, with a firm determination to stand by her in the contest, we take no credit to ourselves, we ask no return of kindness. Her cause was the cause of the constitution and the rights of the States; her cause was our cause. If, when South Carolina stands upon similar grounds, in a great contest for Southern rights and constitutional liberty, Georgia can reconcile it to her notions of consistency, or honor, or interest, to change her position, and fire a broadside upon Carolina, be it so. I do not envy any one the gratification he may feel in pursuing such a course.

Mr. M. said he had not meant, when he addressed the Senate before, to reflect in any degree on the State of Georgia for the course pursued by that State in the Indian controversy. He meant simply to state, that the abandonment of the cause in the Supreme Court, recently, under existing circumstances, was evidence of a political intrigue, disgraceful to the parties concerned, be the parties who they may. If Georgia stood erect upon her principles, and the missionaries were but the instruments of a cabal, who saw the necessity of sacrificing their religion and constitutional rights to the love of money, of course none of the censure would attach to her. If, on the other hand, her authorities were a party to the intrigue by which the President was to be relieved from his position in regard to the Supreme Court, in order to enable the patrons of the missionaries to bring the unbroken force of Presidential power, prejudice, and passion, backed by federal authority, into play against South Carolina, then Georgia would come in for a full share of his animadversion. He would take the liberty to say, that the Senator from Georgia was entirely mistaken in supposing this controversy had, in any degree, affected the reputation of the Supreme Court. The court had moved forward in the even tenor of its way, volunteering nothing, seeking nothing, but to decide matters brought before it. The loss of character sustained in this affair did not fall on that tribunal; it fell elsewhere. The Senator from Georgia had undertaken to tell us something as to the manner in which this law-suit had been terminated; but he confessed his details were so general as to throw but little light on the subject. One thing we all know, that the Senator from Georgia now stands side by side in this contest with the missionaries and their friends, in the crusade they are making against South Carolina. The Senator from Georgia had said he was opposed to nullification, because it had the appearance of sneaking into war. Sir, I confess this is a most singular objection. The idea was novel, purely original; such a thing as sneaking into a fight, he believed, was never before conceived of. There was such a thing as sneaking out of one; but as to sneaking into one, he conceived it impossible. If the gentleman from Georgia dislikes South Carolina nullification because it savors of sneaking into a fight, he must permit me to reply that I dislike Georgia nullification so far as it savored of sneaking out of a fight.

Again, sir: the Senator from Georgia has put the case of the caterpillar laying waste the fields of adjoining planters, and one insisting on setting fire to the woods, which might consume the cotton as well as caterpillar. I thank the Senator for his illustration. If there is any truth in the maxim *noscitur a sociis*, it can be demonstrated that the Senator belongs to the caterpillar party in this controversy. In the outset of the Senator's argument, he admitted that nullification in South Carolina had done much good; that it had put the American people to reasoning on the subject of the tariff; that it had caused a pause; and that public opinion was undergoing a most beneficial and salutary change, operated on by the steps taken by Carolina. Although these results have been acknowledgedly produced by South Carolina, we find the Senator from Georgia joining in the chorus with the reverend missionaries and manufacturers, lending all his influence to destroy the planter and sustain the caterpillar. Sir, whatever of chivalry, or character, or good feeling, there is in this course of the honorable Senator, he is welcome to for me. Strange to tell, while the Senator deprecates as so fatal nullification, he has told us that this system of protection is so outrageous, that he is prepared to dissolve the Union, if it be not abandoned.

We propose to throw off an unconstitutional law, and still remain in the Union; and the gentleman reprobates this, but proposes to throw off all constitutional laws, and go out of the Union, unless this law is repealed; and yet he assumes to read lectures to us upon patriotism, the love of the Union, and the supremacy of the laws of Congress. Sir, I take this occasion to protest against the oft repeated charge that we deny the supremacy of constitutional laws; our position is, that the tariff for protection is not a law made in pursuance of the constitution, and, therefore, it is void.

In resisting such a law, we commit no crime. We stand upon our reserved rights, having parted with some of our freehold. We resist the right to take all in doing so. We deny that we oppose the constitution, or violate our oaths. Georgia refused obedience to the Indian intercourse law, because she thought it unconstitutional. She put herself on her reserved rights, and refused to obey not only the law, but the judicial exposition thereof; South Carolina does the same as to the tariff. She does not admit, in doing this, she commits either perjury or treason. If the Senator from Georgia will have it that those who refuse obedience to unconstitutional laws add treason to perjury, let it be so. If he will have it that Georgia, in maintaining her rights, adopts revolutionary principles, commits perjury as well as treason, and ought to atone for her crimes on the gallows, it is not for me to make a defence for her. If this be conformable to her moral taste, there can be no disputing about it. All we ask is, to let South Carolina, when she occupies her ground, maintain that she neither is guilty of perjury or treason, according to her own showing at least. Standing on soil she never parted with, she maintains she has a lawful right peaceably to repel a trespasser. If the trespasser will press on with force, then comes the tug of war. This is our creed. If it varies with Georgia orthodoxy, we cannot help it. We will not pronounce sentence of condemnation on our own act. We leave that for the Senator from Georgia, the reverend missionaries, and patrons of the tariff.

The honorable Senator has said, the latter clauses in the bill, those relating to the judicial departments of the States, were violative of higher principles than the military clauses. Sir, we have a most precious confession, that this bill, in its civil and military provisions, violated principle, and still the Senator proposes to vote for the bill.

Mr. **FORSYTH** said he had said involved, not violated.

Mr. **MILLER** resumed: I took down the words of the Senator differently; but the explanation does not vary, materially, his position. If the civil provisions in the bill involved higher principles, it must be a higher violation of principle than the military clauses; and it thus would seem the Senator admits he is about to support a bill that does involve unsound principles. Although I admit this bill is a series of violations of principle, still I do not admit that the degrees are as described by the Senator. My great objection to the first clause in the bill is, that it assumes to expound a law of Congress, declare constitutional, and support by force, the legislative construction; thus superseding entirely the Judicial department. It is the duty of the Legislative department to lay down the rule; the Judicial department to pronounce what is the rule thus laid down; and the Executive to enforce the rule thus ascertained. In the present bill the whole powers of Government are brought within the Legislative department. If South Carolina has erred in the opinion of the Senate, in refusing to permit an appeal to be made from her judicial tribunals, upon principle, all you can or ought to do is, to provide a mode by which appeals shall be taken. When you proceed one step further, you err yourselves, and can alone defend yourselves in doing wrong, by attributing the first error to South Carolina. Sir, by your own showing, there is not a shadow of pretence for any further legislation, than enough to subject South Carolina to the judicial authority of this Government. Hence he totally dissented from the honorable Senator, in the graduation of the erroneous principles of this bill.

Sir, the Senator from Georgia has told us that nullification was nonsense double refined; a pretty sweeping sentence pronounced on the wisdom of Jefferson, McKean, Roane, and many other great names. It will require something more than this dogmatism, passed through the intellectual alembic of the Senator from Georgia, to make any rational mind assent to the position that the doctrines taught by the sage of Monticello can thus be characterized, or that the primitive opinions of the fathers of the republic can be so easily put down. Sir, the Senator from Georgia, in commenting on the South Carolina proceedings, has said that the address to the people of the United States, in assuming that a majority of the people of the United States were in favor of the American system, had asserted that which was not true. The honorable Senator has tendered, in a manner not the most courteous, a direct issue upon a matter of fact, between himself and the collected wisdom, character, and moral sense of the people of South Carolina.

I see no way of settling this controverted fact but by referring it to the good sense of the Senate. It is admitted that a majority of this body are in favor of protection. I put the question to that majority—do they misrepresent their constituents? If they do not, then the Senator from Georgia has asserted that the South Carolina address did not speak the truth, when it appears most palpable that it does speak the truth. [Mr. FORSYTH said he meant only to say, in his opinion, the address was mistaken in attributing to the majority of the people of the United States a disposition favorable to the American system.] Mr. M. continued. He willingly received the qualification just made. The Senator from Georgia now said, it was his opinion that the address did not state the truth. The gentleman has clearly a right to his opinion. I should not dispute the right of a Cherokee chief to his opinion, as to the truths contained in that address. What he controverted was the correctness of the opinion of the Senator from Georgia; and he was glad now to have it in his power to submit this question to the majority of the Senate, with whom the honorable Senator is associated.

Sir, it is quite fashionable, on this floor, for gentlemen to set up their opinions as exclusively correct upon constitutional points, and denounce, in the most unmeasured terms, every sentiment which does not conform to their own. We must understand and construe the constitution as they do, or come under the ban, and be read out of the church. They arrogate to themselves the exclusive right to be the guardians of the Union. Let me tell the gentlemen there are two ways to destroy the Union, one by pressing State rights to extremities, and the other by a fusion of the separate interests of the States into one solid mass. You can commit disunion as well by consolidation and amalgamation as by State interposition. If the barriers which separate the reserved rights of the State be broken down, our Government will be as completely revolutionized as if we dissolve into any given number of separate and distinct Governments. The Senator from Massachusetts has told us that his opinions have received the sanction and confirmation of the American people. Sir, I am not so sure the honorable Senator has not over estimated the strength of his opinions with the country. It may be true that the present administration have endorsed the high-toned federal doctrines of the Senator; he is now the alpha with the powers that be; it is not long since he was the omega.

It will be recollected, when the present Chief Magistrate was elected, he stood pledged to sustain State rights. He was the very opposite of the Senator from Massachusetts. He stood upon his opinions, expressed repeatedly in favor of State sovereignty. Bank veto sentiments, so much reprobated by the Senator, seem not to have been so unfavorably considered by the people. I shall be very slow to believe the doctrines of the Senator, as endorsed by the late proclamation, are the popular sentiments of the people of the United States. Whenever the people shall pass upon the claims of the honorable gentleman to their favor, bottomed upon his much boasted correctness, it will be time enough to surrender long cherished opinions to the more powerful voice of public will. The sentiments of the President, expressed in his late proclamation, have not met with any countenance or support from one entire section, once his cordial and strong supporters. Honorable gentlemen mistake public sentiment south of the Potomac, if they suppose that they will enforce, at the point of the bayonet, the federal dogmas of the proclamation. Gentlemen from the tariff States have appealed most pathetically to the States adjoining, and similarly situated with South Carolina, to rally around the standard of their country, and maintain the supremacy of the law. They call spirits from the deep, but will they come? Will the Massachusetts militia, even to sustain their tariff interests, have no scruples as to the constitutional power of the President to order them beyond the line, or march them out of their own State?

Mr. FORSYTH replied, and said, he meant to say that the South Carolinians questioned the serious and sincere desire of the President to effect a revision and modification of the tariff. He did not admit that when a State rightfully resisted a law of Congress she was guilty of treason; it was, if successful, revolution. He further went on to say, the existing tariff was contrary to the spirit of the constitution.

Mr. MILLER, in reply, said, as soon as the Senator from Georgia admits that a State may rightfully resist a law of Congress, he was identified with the Carolina doctrine. On the constitutionality of the tariff, he said he had understood Georgia as taking a more decided objection than now intimated by her representative here. The Legislature of the State of Georgia had spoken on this subject in the most clear and unequivocal language. They had not used the qualified language of the Senator, but had declared that the tariff was a gross and palpable violation of the constitution. For one, he would say, if he believed the tariff unconstitutional, he should regard himself false to his oath to support the constitution, recreant to his country, and lost to all sense of public morals, if he were to vote for the use of military power to enforce such a law.

Before he would vote to sustain an admitted unconstitutional law by the sword, he would prefer that his tongue might be paralyzed.

Mr. BIBB then moved further to amend the bill, as follows:

Sec. 1, line 3, strike out the word "combination;" line 5, after "shall," insert "have;" line 6, strike out the words "in the judgment of the President;" line 15, after the word "paid," strike out the residue of the section, and insert "or secured to be paid according to law."

Sec. 2. Add the following: *Provided always*, That in any civil action, or criminal prosecution, authorized by this section, it shall and may be lawful for the defendant to rely upon, and give in evidence under the general issue, the fact that the revenue act of Congress of the United States, passed in 1832, entitled "An act to alter," &c. was not enacted solely for the purpose of raising revenue, but was enacted with a design and intent to assert and act upon a power in the Congress of the United States to lay duties and imposts for the substantive and direct purpose of protecting the manufactures of the United States against the competition of similar fabrics from all foreign countries, and may require the decision of the court distinctly to be put on record whether or not such a power of protection to manufactures is a power delegated to the General Government, or reserved to the States; and as the court shall decide that question, the judgment shall be for the plaintiff or defendant, prosecutor or prosecuted, according to the relevancy and effect of that question in the case: and such decision shall bind the parties in that case, subject, however, to be reviewed, affirmed, or reversed, in the Supreme Court of the United States, as the said question shall be ruled, and notwithstanding the value in the controversy may not amount to the value of two thousand dollars.

Strike out the third and fourth sections, and insert—[This substitute authorizes the collector, if resisted in the execution of his duty, to call on every male citizen above the age of twenty to his aid and assistance; likewise on the marshal of the district, who is authorized in part to call out every male citizen for the same purpose; and in case of the refusal of any citizen so to assist, a penalty is imposed not exceeding three hundred dollars, or three months' imprisonment.]

Two more sections followed, one of which provides that the United States' officers, if sued or indicted for any act done under the revenue laws, may plead the general issue, and give the several acts of the Congress of the United States in evidence; and the other adopts the 1st, 2d, 3d, and 4th sections of the bill reported by the Judiciary Committee in the House of Representatives.

Sec. 6, line 7, after "places," insert "on land."

Mr. BIBB asked for the yeas and nays on the foregoing amendments, which were ordered, and resulted as follows:

YEAS.—Messrs. Bibb, Calhoun, Mangum, Miller, Moore, Troup, Tyler—7.

NAYS.—Messrs. Bell, Buckner, Chambers, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, Naudain, Prentiss, Rives, Robbins, Robinson, Ruggles, Silsbee, Smith, Sprague, Tipton, Tomlinson, Webster, White, Wilkins, Wright—32.

So the amendments were rejected.

The CHAIR then put the question, "Shall this bill be engrossed and read a third time?" which was decided in the affirmative, 32 to 8, by the following vote:

YEAS.—Messrs. Bell, Buckner, Chambers, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, Naudain, Prentiss, Rives, Robbins, Robinson, Ruggles, Silsbee, Smith, Sprague, Tipton, Tomlinson, Webster, White, Wilkins, Wright.—32.

NAYS.—Messrs. Bibb, Calhoun, King, Mangum, Miller, Moore, Troup, Tyler.—8.

The Senate then, at half after 11 o'clock, adjourned.

Tuesday, February 19.

THE TARIFF.

Mr. CLAY, from the Select Committee to which was referred the bill to modify the several acts imposing duties on imports, reported the bill with various amendments.

Mr. C. then stated, that he was also authorized to say that at a proper time another amendment would be offered on the subject of the valuation of goods, which would be calculated to conciliate the conflicting opinions which had prevailed in reference to that point. He was happy to say that, although there was so short an interval for the action of the two Houses on this bill, the committee entertained strong hopes that it would be found practicable to effect some accommodation of this question before the close of the present session. He was directed to move that the amendments be printed, and further to move that the bill and amendments be made the special order for tomorrow, with the understanding that if the measure now pending before the Senate should not be disposed of by that time, the bill now reported would not be pressed to interfere with that discussion.

The amendments were then ordered to be printed, and the bill and amendments were made the special order for to-morrow.

REVENUE COLLECTION BILL.

The Senate being about to pass to the third reading of the bill to provide further for the collection of the duties on imports:

Mr. CALHOUN said, that as there seemed to be a desire to press this bill to its passage to-day, in order that the tariff might be taken up to-morrow, and as he was desirous to be heard on the resolutions which he had offered in reply to the Senator from Massachusetts, he would now move the Senate to take up the resolutions, with a view to make them the order for Monday next.

The motion being agreed to, the resolutions were taken up, and made the order for Monday next.

Mr. WILKINS then gave notice that it was the intention of the friends of the bill to press the passage of the bill this day.

The bill was then read a third time; and the question being on its passage,

Mr. POINDEXTER rose to address the Senate.

It was with no feigned reluctance, he said, that he rose to mingle in this discussion. The feeble state of his health, and the restless impatience manifested by a fixed majority to urge this measure to its final consummation, regardless of the fatal consequences that might flow from it, ought to have admonished him to remain silent. But an imperious sense of duty to his immediate constituents, as well as to the great body of the American people, impelled him to undertake the task of exposing to them the real character of the bill before the Senate, and the novel and dangerous principles which had been avowed by its advocates as the basis on which it rested for support. I cannot hope, said Mr. P., that any effort of mine will operate to arrest the action of this body; but the people, whose future peace and happiness, and every thing dear to them, is involved in the issue of this great struggle, may find in the investigation of this subject the means of arriving at proper conclusions in relation to it. I feel the responsibility of the position which I occupy. I know how vain it would be to indulge the belief that, with the simple weapons of reason and of truth, I could overcome the dumb eloquence of numbers, so forcibly displayed in this hall, arrayed in solid phalanx to carry into effect purposes of desolation and blood, which can neither be mistaken nor obviated, save only by the deleterious results which may be felt in all their fury, by a reaction on the heads of those who have contributed to put this ball of civil discord in motion. Under such discouraging circumstances, I must be permitted to say, that my views of this momentous question will be addressed to the calm and dispassionate consideration of a free and enlightened people, who alone can control the movements of this Government; and I wish it to be distinctly understood that I expect not, hope not, and mean not, to make an impression within these walls.

The theory of nullification, so freely denounced, and so much deprecated by honorable Senators who have preceded me in this debate, it is not my purpose at present to examine. When consolidation and the total prostration of the last vestige of State sovereignty is made the desideratum on which alone the Union can be perpetuated, I mean not to cavil about the remedy by which so great an evil may be averted. If, sir, I am left to choose between a total overthrow of the happy system erected by the wisdom of the patriots who framed the constitution, and some efficient remedy to maintain it, I will not hesitate in the course which duty and patriotism so plainly indicate.

Sir, in the downward course of events connected with the political history of this country, when power, by a long series of imperceptible advances on the fundamental law of the republic, has reached a climax which almost overshadows the temple of liberty, and threatens to extinguish the patriot's last hope in this highly favored land, the occasion demands of me one effort, however feeble and ineffectual, to arrest the strong arm which seems to aim a fatal stab at the vital principles of our confederacy, and the free constitution which cements it.

We have been taught, by experience, the useful lesson, that the love of power is inseparable from the nature of man; and we know that Governments composed of men partake largely of its influence; and whensoever the vigilance of the people shall slumber under the sedative poison of unlimited and misplaced confidence, their destinies will very soon find a resting-place among the tombs of the republics of antiquity, whose downfall may be ascribed to the triumph of ambitious demagogues over a people claiming to be free, but who placed their reliance on the frailty of human virtue. The history of the civilized world, from the earliest ages up to the present moment, affords to this generation abundant proofs that liberty can only be preserved by a people jealous of their rights; who stand on the watch-towers, and challenge every invasion of them with eyes that never wink, and hearts that never falter. In the tempest of popular commotions, by which the vessel of state is sometimes tossed from its peaceful channel till the sky is clear and the elements become tranquil, we find salutary warning to the mariner at the helm, to guard against the rocks and shoals by which he may be surrounded. Such is the price which a free people pay for the preservation of human liberty; and although the even current of Governments may be interrupted by these occasional convulsions, they serve to protect the unalienable rights of freemen against the arts of power and ambition, seeking their overthrow by force or fraud, to build on their ruins the strong edifice of regal prerogative. Under the calm of undisturbed confidence, when the public mind cannot be aroused to a sense of impending dangers, but, reposing in false security, denounce the faithful sentinel who warns his countrymen of the snares which are spread for their destruction, some popular leader may well mount the ramparts, and, assuming the seductive guise of disinterested patriotism, grasp the imperial diadem. When a whole people, influenced by such specious professions, too readily commit their dearest privileges to the umpirage of one man, whose claims to their gratitude for past services are felt and acknowledged, they cannot fail to be led into errors and excesses from which there is no escape but through the tumult and desolation of a bloody revolution.

No people can long remain free who quietly submit to oppression, and hug the chains of despotism which bind them to the car of a popular dictator. Sir, I spurn the slavish apathy which is calculated to disrobe a freeman of his birthright, and compel him to bow at the footstool of power and ambition; and I indignantly repel the proposition now made to place at the disposal of the Chief Magistrate, to be used at his discretion, the whole military and naval forces of the country, the avowed object of which is to subdue the proud spirit of a large portion of the American people. But, sir, I feel that resistance to the will of the combined majority who act in concert, on this occasion, must be unavailing; yet I will not despair of the republic while the voice of an enlightened people may interpose to preserve it.

Mr. P. said he had often been amused by an honorable Senator from Maine, [Mr. HOLMES,] with his descriptive lists of what are called Jackson men in this and the other House of Congress. He thought the honorable Senator had classed them under the various and conflicting heads of tariff and anti-tariff, bank and anti-bank, internal improvements and anti-internal improvements, State rights and anti-State rights; to which, by the permission of the honorable gentleman, he would add another class of new recruits, who may be designated as "proclamation Jackson men," who, though last, are not least in the catalogue composing this formidable corps. They, like all new converts, evince a disposition to overreach in zeal all their competitors for Executive favor, and, like Pharaoh's "lean kine," threaten to eat out the substance of their fat predecessors! If a combination of such talents, influence, and numbers shall be unable to maintain the majesty of the laws, aided by the strong arm of the Executive, it would at least be an omen that our legislation had not been founded on the principles of equal and impartial justice. Of this he would speak more particularly hereafter.

I will (said Mr. P.) proceed to examine some of the provisions of this bill in connexion with the existing laws authorizing the President to call forth the militia to execute the laws of the Union, in order to place the measure in a clear light, when I shall contrast it with the principles of the constitution. The due execution of the laws of the Union, made in pursuance of the constitution, is an object from which no gentleman, whatever might be his political opinions, would dissent. Such laws would find their best support in the virtue and patriotism of the people, and would, therefore, never require extraordinary means to enforce them. It has been said by the advocates of this bill that it is both peaceful and harmless, and confers less power on the Executive, in relation to the employment of physical force in cases of emergency, than the existing law on that subject. It has been eulogized as an expedient to preserve peace and avert the calamities of civil war, while I deprecate it as eminently calculated to produce precisely the opposite consequences. Is it then true that this bill confers no higher powers on the President than the act authorizing the employment of the militia of the several States to "execute the laws of the Union, suppress insurrections, and repel invasions?" Let this be tested by a reference to that part of the act which is now on our statute book, and which I beg leave to read to the Senate. [Here Mr. P. directed the Secretary to read the act of 1795.]

"Sec. 1. *Be it enacted, &c.* That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper. And in case of an insurrection in any State against the Government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States, as may be applied for, as he may judge sufficient to suppress such insurrection.

"Sec. 2. *And be it further enacted,* That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress."

Mr. President, I ask what are the cases to which the President of the United States is limited under the act which has just been read? He cannot call out the militia, or even issue a proclamation, until he is called on by the Legislature of a State, if in session, and, if not, by the Governor, for aid and assistance to suppress an insurrection which is too powerful to be overcome by the physical power of the State. He cannot interpose the power granted to him to aid the civil authority in the execution of the laws, until he shall have received the certificate of a district judge that such interposition is absolutely necessary, in consequence of combinations, or assemblages of persons, with the avowed intent of resisting the process of the court or the laws of the Union. Such are the limitations on the powers of the President, under the act of 1795, which had been read at the table of the Secretary. They are salutary checks on the exercise of this power, designed to operate in the furtherance of justice and the preservation of order, in co-operation with the judicial tribunals or the constituted authorities of the States. Compare these, I beseech you, sir, with the first section of the bill, which we are told curtails the power of the President in this respect. It will be seen, at once, that for all the guards in the existing law the arbitrary will of the President is substituted. His judgment and discretion are made supreme, and cannot be controlled by any other authority whatever. No call from the State Legislatures or Executives, no certificate from a district judge, is required to enable him to call forth the militia; but he is made the sole judge of the necessity, and has the unlimited power to determine what shall constitute an unlawful assemblage of persons, to justify the employment of military force; which he is authorized to organize and put in motion by virtue of the high powers with which he is invested, against the consent, and without the co-operation, of any department of the State Governments. Sir, his powers are as wide as human language can make them, differing essentially from those conferred by any former legislation on this subject.

If this bill is not intended to clothe the President with the new and extraordinary power of marching an army into South Carolina, whenever in his judgment it shall be necessary, is is worse than useless. By the act of 1795 he could not enter the State with an armed force, but on the application of the Legislature or the Executive; and the militia of the State could not be called out for any purpose without the approbation of the Governor, or by the authority of the Legislature. It is therefore manifest that this peace measure is nothing more nor less than a power conferred on the President to make war on the legislation of a sovereign State of the confederacy. For all the purposes enumerated in the constitution, it must be obvious to every gentleman that this bill was wholly unnecessary. The powers of the President are enlarged beyond all former example; they cover the whole ground of undefined discretion, to enable him to place the physical force of the country in hostile array against the State of South Carolina. But this is not the only novel feature in this war bill. The President is authorized, at his discretion, to confide the execution of high constitutional powers, which can only be intrusted to that officer, to any person whatever whom he may depute or appoint for that purpose. Thus, he may designate some petty custom-house officer, at any of the ports of the United States, to decide the delicate question, when the contingency shall have happened requiring the exercise of the power to call forth the militia! This custom-house officer may be authorized to order the militia into actual service; to issue his mandate—to whom? To the Governor of the State? Who is to command the militia so called out? How is it to operate? Not under the orders of the President of the United States, but under those of any person whom he may appoint for that purpose. Will any gentleman seriously contend that the constitution warrants this transfer of the highest executive power under this Government? Sir, the proposition is monstrous, and cannot be endured by any portion of the American people. But the intention of this bill is not what it purports to be. It is one of those deceitful acts of legislation, which seems to be confined and particularly adapted to the laws for the protection of domestic manufactures, commencing with the act of 1824, and running through all the laws subsequently enacted to carry out the system of protection. It speaks in general terms of the ports and harbors of the United States—of all the twenty-four States of the confederacy; but how has it been argued? We have heard nothing in this whole debate but South Carolina—South Carolina—nullification—nullification. This has constituted the theme on which the advocates of the bill have dwelt; and yet on the face of the bill it is equally applicable to every State in the Union! This wide scope given to the President over the militia of the States of the Union, without limitation or restraint, was evidently necessary to effect the object of marching a militia force from one State into another in time of peace, when none of the contingencies had arisen specified in the constitution and the laws, as they now exist in the statute book. The judgment of the President is made the rule, and he may, at his own good will and pleasure, determine the character of assemblages of persons, declare them unlawful, however peaceable and constitutional; fix in his own mind what acts amount to unlawful obstructions or combinations to prevent the execution of the revenue laws, and forthwith put in requisition the army, and navy, and militia of the United States; remove the custom-house to such place as he may designate; demand that the duties be paid in cash; and enforce his mandates at the point of the bayonet. And yet this high-handed measure, under which the President may commence and carry on military operations within the State of South Carolina at any moment when he may deem it proper to do so, without the happening of any event made necessary by law to justify such a proceeding, is defended on this floor as peaceable, and in accordance with the powers conferred on him by the constitution and laws of the United States now in force.

Sir, what are the facts? Has any thing occurred in South Carolina dangerous to the public peace? Has any offence been committed by her citizens? Has the Legislature or Governor called on the President for aid and assistance to put down insurrection or rebellion? Has the district judge certified that the laws cannot be executed in the ordinary way? No, sir, it is not pretended that any act of violence has been committed, calling for the exercise of extraordinary means to resist or subdue it. What, then, is the basis of this hostile movement on the State of South Carolina? Most certainly to compel her to retrace her steps; to annul a fundamental law of the State; and, by military force, to overawe her Legislature, and demand the repeal of certain offensive laws which the President has thought proper to condemn and denounce as treason against the United States. State legislation, primary and secondary, must be put down by violent means, and the President clothed with the powers of a dictator, to enable him to fulfil his kind promises to his "children!" Is this the free Government handed down to us by our fathers, who so gallantly achieved the independence of these States? No, sir; if the doctrine of the present day prevail, and this bill be passed and put into practical operation, we live under a Government of unmixed despotism. We are told of an armed force in South Carolina. There is no such thing. She has, it is true, passed laws to reorganize her militia, which she had a perfect right to do, in common with every other State in the Union, without giving just cause of offence or apprehension to her sister States. Sir, has it come to this, that a sovereign State of this confederacy cannot enact laws to organize and discipline her militia, without being liable to the odious imputations of treason and rebellion? Can such laws be made the foundation of powers so enormous as those with which it is now proposed to invest the Chief Magistrate, in the execution of which powers he is only limited by his own arbitrary discretion; and under which he may enter the State, at the head of his army, and demand the repeal of them as a *sine qua non* to the withdrawal of his forces? These are the facts and the principles on which alone this bill of pains and penalties can be defended, unless honorable gentlemen draw on their imaginations for their premises, and on their ingenuity for their conclusions. There is no military force enlisted and paid by the State of South Carolina; she, like every other State, must rely on her militia for her defence against every assault, external or internal. Have not the States of Massachusetts and Connecticut a well-organized militia? Do they not rely on them for protection, and the preservation of their rights against a foreign foe, or domestic intrusion? If my information be correct, these States can, at the tap of the drum, call into the field, at a moment's warning, the best organized and most efficient militia in the world. Would they hesitate to employ this force on any emergency which might threaten their safety? No one can doubt that they would not. And yet, sir, this constitutes the military array in South Carolina, of which we have heard so much, calling for the concentration of the army and navy in the port and harbor of Charleston to suppress it. There is nothing in the State to excite the fears or apprehensions of the General Government. She has legislated, and that is all. It is, therefore, most evident that if we operate on her by means of a military power, it must be for the purpose of enforcing the proclamation of the President, which demands the abrogation of the ordinance and laws enacted by the sovereign authority of the people, and for which she can only be responsible in her character as one of the parties to the compact of Union.

Can this Government, of limited and defined powers, interfere with, or control, by the exertion of its military power, the internal action of a State in its highest sovereign capacity? This is a grave question, and I shall presently give it a full and fair examination. Sir, by what authority did the President of the United States put forth his proclamation, promulgating only political dogmas under the broad seal, with denunciations against all who should be guilty of the crime of non-conformity to his new views of the constitution? Can any gentleman point to the law on which this extraordinary state paper is founded? I presume not; for, if there be such a one, it has escaped my observation. It has a strong resemblance to a Pope's bull, from which none of the church may dare to dissent, without incurring the vengeance of the Almighty.

The President reads to the people of South Carolina a political lecture, in the nature of a 4th of July oration, and a very bad one too, in which he demands their concurrence, and admonishes them, by virtue of his high prerogative, as a father giving advice to his children, to compel the convention to re-assemble and repeal their ordinance; and, in like manner, to require their Legislature to repeal the laws which they have enacted to carry this ordinance into effect. A non-compliance with this demand is threatened with the most signal punishment. Sir, if the President has power to impose his constructions of the constitution on the world; to give them the force and effect of law; to record them in the Department of State, under his sign-manual, for the instruction of his successors; he might, with equal propriety, appoint political preachers, propagandists, whose duty it should be to inculcate his orthodox principles of government throughout the Union, and pay them out of the public treasury. But this extra-official document owes its origin, in reference to the political heresies which it contains, to the speech of the honorable Senator from Massachusetts, [Mr. WEBSTER,] delivered in this body in 1830, on what was familiarly called "Foot's resolutions." These principles had never before been avowed by any political party in this country. They leave the old federal school far in the rear in their ultra-consolidation tendencies, and were for the first time introduced to the notice of the American people in the speech of the honorable Senator to which I have referred. Sir, although I accord to the Senator much credit for his labored effort to overturn the well-settled principles of the constitution, and to change this simple confederation of States into a popular Government of unlimited powers, I am very sure that the honorable Senator never dreamed that those doctrines were so soon to be canonized, and find a place among the records of the Department of State, under the sanction of the broad seal, and the signature of the Chief Magistrate. But, sir, we now see that such was the fortunate destiny which awaited the speech of the honorable Senator. He finds himself suddenly translated into the company of his former political antagonists, and, like Asmodeus when he found himself in a church, may well look around him with astonishment, and wonder how he came there.

Sir, this singular proclamation is mandatory in its character. It speaks this language to the people of South Carolina: "If you agree with me in opinion, all's well; if not, you shall be punished by the strong arm of power, and more particularly your leaders, on whom I charge all your errors." Let me suppose an interview to take place between the President of the United States and some obstinate State rights citizen of South Carolina. The former reads this proclamation, and then he asks the latter, "Do you concur with me in opinion?" The citizen replies, "Sir, I do not." Upon which he receives a gentle slap on the face, and the question is repeated. Again, the answer is, "Sir, I do not assent to your doctrines." He receives a blow which fells him to the ground. "Do you now presume to deny the accuracy of my opinions?" "Sir," the astonished citizen replies, "I claim the privilege of a freeman, and utterly reject your doctrine as false and unfounded." What next? "Off with his head; so much for Buckingham."

> "To be hung for treason is a common evil,
> To die for false opinions is the devil."

Will the high-minded freemen of South Carolina bow to this imperial dictation, menaced as they are by the presence of a military force to humble them into obedience? I am much mistaken if they do.

Having taken this concise view of the military features of the bill, I proceed to the analysis which has been given of the origin of the Government founded on the political history of the country from the commencement of the revolution up to the time of the adoption of the federal constitution. This review is rendered necessary by the course of reasoning drawn from a misrepresentation of facts, which has been resorted to by the advocates of the theory of consolidation, to establish the position that the people of the United States, since the Declaration of Independence, have been governed as one consolidated mass, and that they now constitute a single nation, within which the States are mere corporate bodies, possessing only municipal powers, without the high attributes of sovereignty. It is not my intention to fatigue the Senate by a particular reference to official documents which might be applicable to this part of the subject, but shall pass rapidly over the early events of the revolution, to demonstrate that this new theory cannot be supported by a recurrence to the true character of the Union, formed between the several States at that eventful period. The proclamation of the President, concocted and matured, doubtless, by his constitutional advisers, assumes for the Federal Government supreme powers; and to sustain this postulatum, carries us back to our colonial dependence on the parent country. This state paper is not more remarkable for its political sophistry than for the wretched caricature which it presents of historical facts connected with the revolution. It affirms, 1. That under the crown of Great Britain, prior to the Declaration of Independence, "we were known in our aggregate character as the United Colonies of America." 2. That by the Declaration of Independence "we declared ourselves one nation by a joint, not by several acts." 3. That the confederation was "a solemn league of several States, by which they agreed that they would collectively form one nation." But this is subsequently qualified by the admission that under the confederation "we could scarcely be called a nation." 4. That the constitution of the United States was made in the name and by the authority of the people of the United States, whose delegates formed, and whose conventions approved it. 5. That the President and Vice President, and members of both Houses of Congress, represent the whole people of the United States, to whom they are responsible, and not the particular States or districts in which they are chosen.

Now, sir, (said Mr. P.) I maintain precisely the converse of all these propositions, in their whole extent. They conform, almost to the letter, with the principles advanced for the first time in this country by the honorable Senator from Massachusetts, in the memorable debate to which I have already referred. He, it is true, does not carry his principles of consolidation quite so far as the President does in his proclamation; but they are so nearly allied, that any attempt to discriminate between them would be superfluous. Kindred of the same family, they might almost be considered of common parentage. Is it then true that we were known as the United Colonies of America under the British crown? No, sir; every page of our history contradicts it. The earliest dawn of the revolution made its appearance in the colony of Massachusetts. Other colonies had exhibited symptoms of discontent, and resolutions were passed in their assemblies and popular meetings, indicating their dissatisfaction of the arbitrary and oppressive acts of the British Parliament. But the distinguished honor belongs to Massachusetts to have taken the lead in measures of resistance. She gave the first impetus to the ball of the revolution; the battles of Concord and Bunker's Hill attest the fortitude, patriotism, and bravery of her people, in which they successfully contended, almost single-handed, with the disciplined troops of the mother country. Partial leagues, for common defence, were very soon formed with the neighboring colonies, and committees of correspondence were appointed, to bring those more distant into the common cause. We are told by Mr. Jefferson, that the messengers of Massachusetts and Virginia passed each other on their way, bearing similar propositions, to produce a concert of feeling and of affection in opposition to their oppressors. These bold measures had very soon their desired effect, and a general Congress from most, if not all the colonies, assembled at Philadelphia, to consult on the means best calculated to meet the emergency, and provide for the safety of the whole. This body of patriotic men were appointed, in some instances, by the Colonial Legislatures, and in others by assemblages of the people, without regard to form, or to the general suffrages of the inhabitants of the colonies which they professed to represent. They were united only by a sense of common danger; but, in all other respects were separate and distinct, wholly independent of each other; in which character they acted on their own convictions and responsibility. This was our condition prior to the Declaration of Independence. For some purposes the colonies acted together, but without any other obligation to continue so to act, distinct from the interest which each had in throwing off their allegiance to the British monarch. It remains to be seen how far the Declaration of Independence changed the relative condition of the colonies towards each other. It was "a declaration by the Representatives of the United States of America in Congress assembled," each acting for itself, with full power to dissent from the measure, without incurring the displeasure of those who might think proper to adopt it. It was, therefore, a joint and several act, and the parties to it became bound by their own voluntary consent. It declares, in express terms, "that these United Colonies are, and of right ought to be, free, sovereign, and independent States." To make the instrument correspond to the character given to it by the proclamation, the appropriate language would have been, "that these United Colonies are, and of right ought to be, a free and independent nation." But it was not so in fact, nor was it so considered by the patriots who signed it. Can this be doubted by any one who will take the trouble to look at the manner in which the war of the revolution was conducted? As one nation, all who fought under our flag would have been responsible to the common head, and entitled to demand compensation for their services out of the general fund. And was it so? Certainly not. Each State had its separate army, organized, equipped, and paid out of the separate fund of each; and what was then called the continental army, and that only, was paid out of the general fund. Many of the States, having waste and unappropriated lands, made large grants of their domain to the officers and soldiers of the militia who were called into service for the defence of the State.

This single fact, if it stood alone, is abundantly sufficient to show that the States retained their separate and individual sovereignty, while each contributed its just proportion, both in men and money, to accomplish the glorious result. From the declaration itself, which announces to the world that "these United Colonies are, and of right ought to be, free, sovereign, and independent States," and from the manner in which the war was prosecuted, am I not warranted in the conclusion that we were not looked upon, either at home or abroad, as one nation? Had this been the construction put upon the Declaration of Independence by those who signed it, we should have heard nothing of State troops as a distinct body of men, but the whole army must, of necessity, have been deemed national.

It has been reserved for the political jugglers of the new school to discover the hidden secret that we achieved our independence as one nation; and thereby to bring into contempt and derision the "proud sovereignty of the States."

I will make only a few remarks on the articles of confederation. These are designated as a "league of several States, by which they collectively agreed that they would form one nation;" but, in a subsequent paragraph of the same paper, it is said that under their operation "we could scarcely be called a nation." It may be asked, with great force and propriety, if, by the Declaration of Independence, we became one nation, whence the necessity of forming a union of States, by adopting the articles of confederation? These articles were not binding on the States until they were acceded to by the Legislature of each State, acting in its sovereign capacity. They were not finally accepted by the concurrence of all the States, until the year 1781, more than three years after they had been submitted for ratification. By the second article of confederation, "each State retains its sovereignty, freedom, and independence." Could they retain that which they did not possess before? I deem it needless to multiply reasoning on this subject; a bare recital of the facts will satisfy all candid men that this novel idea of our forming one nation is perfectly absurd and ridiculous. We declared ourselves free and independent States. As such, the articles of confederation were entered into, which expressly declare that the sovereignty, freedom, and independence, possessed by each State prior to their adoption, were retained.

It may well be said that under these articles of confederation we could "scarcely be called a nation;" for, in fact, we were not so; but we were united then, as we are now, by a compact binding on each separate community to the extent of the delegated powers.

This view of our political condition is strongly enforced by the treaty of peace made with Great Britain at the conclusion of the war. It is a remarkable fact, that our independence was acknowledged, not as one nation, but as distinct, independent sovereignties, named in the treaty itself. And having thus treated with the crown of Great Britain, the view which was entertained at the time of our political condition can no longer remain doubtful. If we had, indeed, declared ourselves one nation, we should have treated in that character; but there is not in the records of the country one solitary fact which in the remotest degree warrants the assertion, that the several States who were parties to the Declaration of Independence, ever did, or intended, by any act whatever, to disrobe themselves of their sovereignty.

As colonies of Great Britain, we were separate and distinct, owing a common allegiance to the crown; we declared ourselves independent as States, we confederated as States, we retained this distinctive character throughout the revolutionary struggle; as such, our independence was acknowledged, and we were introduced into the family of nations as a confederated republic. Thus we commenced our political career; and the only remaining subject of inquiry is, have the States, by a voluntary surrender of their sovereignty, created a General Government, supreme in its structure, overwhelming in its influence, and against the action of which no State can interpose its authority but by resorting to the natural and inherent right of revolution?

It is my purpose now to examine this important question, than which none has ever arisen, or can arise, in the practical operation of the Government, more deeply interesting to the American people. On this point hangs the perpetuity of the Union, and the brightest hopes of human liberty throughout the civilized world. Is this a popular Government, wielding without restraint or limitation the destinies of the country? If so, the free institutions of which we have so long and so justly boasted have been misunderstood by all who participated in their establishment.

I had supposed that if there was any thing connected with our complicated system clearly settled by general acquiescence, it was the source from which the power of the Government sprung, and the real parties to the constitutional compact. The phrases which are familiar to all who speak of the Government, would seem to leave no room for doubt on this subject. The term "federal," which every one applies to the constitution, means league or compact; union is the joining together of separate bodies or communities; *ergo*, the United States form a Federal Government, league, or compact. The effort to overthrow all the checks and balances, which have been so carefully interposed to preserve the purity of the system against usurpations of power, and to render the Government supreme, by tracing its origin to the people as a consolidated mass, was reserved for the honorable Senator from Massachusetts, [Mr. WEBSTER,] who has been so fortunate, in the transmutations of political parties, within the last four years, as to gain for those bold innovations the sanction of the individual who now "rides on the whirlwind and directs the storm." It is assumed in the proclamation that the constitution was "formed in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it."

The Senator from Massachusetts has entered into the defence of these broad principles, and has given to the Senate a revision of his former speech, delivered in 1830. I will not attempt to draw the line of distinction, if there be any, between the opinions of the Senator and the official recognition of them by the President, but shall consider them as comprising one undivided view of the questions to which they relate. The Senator says: "I hold this to be a popular Government, erected by the people; those who administer it responsible to the people; and itself capable of being amended and modified, just as the people may choose that it should be. It is popular, just as truly emanating from the people as the State Governments." Again, he says: "We are here to administer a constitution emanating immediately from the people. It is not the creature of the State Governments; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have supported it, for the very purpose, among others, of imposing salutary restraints on State sovereignties. The people, then, sir, erected this Government. No State law is to be valid which comes in conflict with the constitution or any law of the United States." I have deemed it proper to place these extracts from the speech of the Senator in juxtaposition with the proclamation, to show that I have not mistaken the strong resemblance which they bear to each other. Sir, is it true that this is a popular Government, erected by the people, and subject to be amended and modified as the people may choose it should be? Let the history of the constitution answer. In what manner shall we fix the nature and character of the Government? Not by the extent of the powers conferred on it in the instrument by which it was formed, but by a recurrence to the authority which established and put it in motion. If it was brought into existence by the people, no one can deny that it would be strictly a popular Government. If it owes its origin to a league, compact, or concessions of power between separate political communities, without regard to the powers delegated, it is to all intents and purposes a Federal Government; and although the constitution in some of its features may be executed by the popular will, the original character of the Government is not thereby changed. I will suppose, in illustration of these positions, that we still remained a part of the British empire, and derived our form of government from the charter of the crown; if, in such a charter, all the principles of the constitution under which we now live were incorporated, and we were in the full enjoyment of all the freedom which it secures to us, it must be admitted that it would nevertheless be a colonial Government, deriving its character from the grantee, and not from the enumeration of the powers granted.

I have been induced to make these remarks, because it has been contended, in the progress of this debate, that we must look into the constitution of the United States, and from its various provisions determine whether the Government which it created is derived from the States or the people. The Senator from Massachusetts affirms that "the Government was erected by the people." I maintain that it was the work of the States, in their sovereign capacity, from its inception to the period when it was put into full operation. I appeal to a well known historical fact in support of my position.

The defects of the confederation have been so often referred to, and so fully disclosed, that I deem it unnecessary to trouble the Senate by going into a further examination of them. Experience had shown that the powers conferred upon Congress were not sufficiently comprehensive to embrace all the general objects connected with our foreign relations—the regulation of commerce; the payment of the debt of the revolution; and the preservation of internal tranquillity. Impressed with a necessity of extending these powers, and forming a more perfect system of government, the old Congress, by a resolution bearing date the 21st day of February, 1787, recommended the appointment of delegates by the Legislatures of the several States, to meet in Philadelphia, for the purpose of revising and amending the articles of confederation, and forming a constitution, adequate to the exigencies of Government, and the preservation of the Union. The people were not consulted, and had no agency whatever in this movement. The Congress, by which it was proposed to appoint delegates to a general convention, did not directly represent the people of the several States. But the Legislatures adopted the recommendation, and elected delegates to the convention, which assembled in Philadelphia, on the 25th May, 1787. This body was neither chosen by, nor responsible to, the people. No authority was vested in the convention to form a constitution, and give it effect, or even to send it to the people for their consideration and adoption. The plan of a constitution, however, was formed, claiming in its preamble to have been authorized by the people of the United States. Such was not the fact; the whole proceedings up to this period amounted to nothing more than an effort between the States, as political sovereignties, to amend the articles of confederation, and erect a Government better calculated to conduct our foreign intercourse, and execute those general powers which were necessary to the welfare of the whole, and to form a more perfect union of the States. The articles of the constitution, thus agreed on, were binding on no one; they were transmitted to a Congress for its consideration, on whose recommendation the Legislatures of the States made provision for calling the convention, to whom the plan was submitted for ratification. During all these incipient proceedings, we hear not one word of the people. The States acted in their federative character, in the organization of the general convention; the Congress, who gave the first impulse to the measure, represented the States, and not the people. Is it not, then, absurd, to allege, in the face of these undeniable truths, that the constitution emanated "immediately from the people;" that this Government was "erected by the people," when every official document, connected with the transaction, contains unequivocal evidence that such declarations are without the shadow of foundation to support them.

Could not the Legislatures of six of the States have defeated the constitution, by refusing or neglecting to pass the necessary laws authorizing the call of conventions to ratify it? Most certainly they could. The ratification of nine States was requisite to put the system in operation; without the concurrence of these the whole scheme must have failed, although it had been approved by three-fourths of the people of the United States. The action of the Legislatures of the several States was essential to impart life and vigor to the constitution, which, without their co-operation, must have remained a dead letter. The people were not allowed an opportunity to approve or disapprove of the contemplated reform in the Federal Government; they might, indeed, have heard that such a project was in progress, but they were not permitted to speak until the good work was finished; then, and not until then, they were required to repair to the polls, and choose delegates to State conventions, to which the plan was submitted. Both the Congress of 1787 and the convention at Philadelphia, as I have already shown, were removed from popular responsibility. The Legislatures of the respective States, and they only, represented the people, as separate communities, but their constituents had not instructed them on the subject of this new form of government. Sir, I must be permitted to express my surprise that, in the face of these undeniable facts, the bold declaration should have been [made, in grave state papers and learned speeches, that this constitution emanated from the whole people of the United States; and as a corollary, that the Government which it established is popular, and not federal. The honorable Senator from Massachusetts has admitted that the articles of confederation constituted a league or compact between the States, by which each retained its sovereignty and independence; but he insists that the constitution, coming directly from the people, and approved by them, amounts to a voluntary surrender of this sovereignty to a Government pervading the whole, with supreme and paramount powers, in the execution of which, the only check that can be interposed against the exercise of usurped powers is to be found in the will of the majority. If this be true, then the limitations specified in the constitution, for the express purpose of restraining the action of the Government, and thereby protecting the rights of the minority, as the best security for the preservation of liberty and the purity of the system, are a mere mockery on the common sense of mankind. I agree with the honorable gentleman, that the confederation was a union between the States, founded on league or compact; and it would seem to follow, as a necessary consequence, that as the constitution was designed to form a more perfect union, the original league or compact remains unimpaired.

The great object intended to be accomplished by the new organization and extension of the powers of the Government, was to render it efficient for the purposes of a general administration, which would embrace all the great interests of the country, internal and external, leaving the States, as parties to the compact, precisely in their former condition, as separate political sovereignties, reserving to themselves the full enjoyment of all the powers, rights, and privileges which they had not thereby expressly delegated. The States were the grantees of power under both systems. If it be true, as I admit it to be, that the people of each State, in convention, ratified the constitution, it is equally true that the same people, represented in their legislative bodies, adopted the articles of confederation. There is no substantial difference in either case, as to the mode in which the popular will was ascertained. Hence, I arrive at the conclusion, that if the constitution of the United States can with propriety be said to have emanated from the people, the articles of confederation have just as high a claim to that distinction. If there be any discrimination, it consists in this only, that the one was a Union imperfectly formed, and the other a Union similar in its character, disrobed of the imperfections of the former system. The idea cannot be credited that the States ever intended to commit an act of self-immolation, to part with their sovereignty and independence, and place themselves in the attitude of dependent corporations, subject to the uncontrolled discretion of one consolidated empire. No, sir; their sole object was to create an agency for their mutual benefit, and to vest in it the necessary powers to provide for their common defence and general welfare, without departing in the slightest degree from the old federal basis to which they had ever adhered with such jealous vigilance and pertinacity. But the honorable Senator from Massachusetts has said that he will look no farther than the constitution itself for the source from which the powers of the Government are derived; and, from some expressions in the instrument, he draws the conclusion that it is not a compact between the States, but a noun substantive, "a Government erected by the people," in which they are individually represented, and to which they owe an allegiance paramount to all other social obligations. He has dwelt with emphasis on the words with which the preamble of the constitution commences: "We, the people of the United States." From the arbitrary use of these words, he infers that, as sovereignty is an attribute belonging exclusively to the people, they have, by their own act, transferred and vested it in the Government of the United States. He rests on the inference against the fact; I rely on the fact against the inference; and submit the issue to the impartial judgment of an enlightened people. The convention assumed the name and authority of the people of the United States, in opposition to the commission under which they had assembled. They derived their authority exclusively from the States, as political communities; the Legislatures, by whom they were appointed, limited their powers simply to a revision of the articles of confederation.

Each State was equally represented in that body, without regard to population. Rhode Island and Delaware were placed on an equal footing with the large States of Virginia and Pennsylvania; and yet, against all these facts, recorded in the journal of their proceedings, they professed to act in the name and by the authority of the people. The constitution was not so formed, nor can it be so modified and amended. The people of the United States cannot change a single feature in the instrument, that power having been expressly confided to the Legislatures of the several States, with the concurrence of two-thirds of both Houses of Congress. The article of the constitution providing for amendments, and prescribing the mode in which they may be made, puts it in the power of three-fourths of the States, comprising less than one-third of the whole population, to change or modify the system against the will and the interests of the other States, having the physical strength to subdue and the numbers to control the small States, if it were indeed true that this Government rests on the popular suffrage. The principle assumed by the advocates of consolidation is repugnant to that part of the article to which I have referred, which provides that "no State shall, without its consent, be deprived of its equal suffrage in the Senate." This federative feature is made perpetual, and cannot be changed without a total overthrow of the Government. Is not this permanent provision of the constitution strictly applicable to a Government federal in its origin, and which must ever remain so in its practical operations? Is it not wholly inconsistent with the opinion advanced by the honorable Senator, that the constitution may be "amended and modified just as the people may choose it should be?"

This is the ground on which the honorable Senator from Massachusetts rests his argument in favor of popular rights and consolidation, which, if it could be maintained, must at once put the constitution, in all its parts, without exception, in the power of a majority of the people of the United States, who might at any moment, by a combination of the large States, expunge the provision which secures to each State an equal representation in the Senate. These views of the origin of the Government, imperfect as I know them to be, will, I trust, satisfy all who are in search of truth, and who are disposed to examine this important subject with candor, that it did not originate with the people in their primary sovereign capacity; that, as such, it was not erected by them; that, in their aggregate character as one nation, they have no power to amend the constitution in any respect whatever; that it was formed by concessions of power from the States, as separate communities, and constitutes between them a compact of union which can exist only by their co-operation; and that, with the concurrence of three-fourths of the parties, it may undergo such modifications as may from time to time be found necessary to render the system more perfect.

I will now, sir, proceed to notice, very concisely, some objections that have been urged against this theory of the constitution. The honorable Senator from Massachusetts has resorted to a verbal criticism on the word "accede," which is found in one of the resolutions of the honorable Senator from South Carolina, [Mr. CALHOUN.] He says this is not a constitutional word, and is no where to be found in the debates and proceedings of the conventions by which the constitution was adopted. He deprecates the phrase as a dangerous interpolation, because he admits that, if the States acceded to the Union, it necessarily implies the correlative right to secede. My attention has been drawn, since I heard the remarks of the honorable gentleman, to the language of the statesmen who formed the constitution, and I find this precise word applied exactly in the sense which is so offensive to him. I will not multiply the references which I might make to the speeches of the most eminent members of the General and State conventions, to fortify myself on this point; it will be sufficient to show that the use of this word "accede" is coeval with the very inception of the constitution, and was familiar to and well understood by the members of the State conventions. I refer to Yates's Minutes of Debates in the General Convention, page 86. Mr. Martin, a member from Maryland, said: "When the States threw off their allegiance to Great Britain, they became independent of her and each other. They united and confederated for mutual defence, and this was done on principles of perfect reciprocity; they will now again meet on the same ground. But when a dissolution takes place, our original rights and sovereignties are resumed. Our accession to the Union has been by States." In the same page of these debates, Mr. Lansing, of New York, said: "I am clearly of opinion that I am not authorized to accede to a system which will annihilate the State Governments." Several other gentlemen used the same language; but, not wishing to fatigue the Senate, I pass on to the debates in the Virginia convention. Mr. Henry said: "Maryland did not accede to the confederation till the year 1781." Again: "Give me leave to say that, if the smallest States in the Union were admitted into it after having unreasonably procrastinated their accession, the greatest and most mighty State in the Union will be easily admitted, when her reluctance to an immediate accession to this system is founded on most reasonable grounds." I might quote this word from the speeches and public papers of Governor Randolph, Mr. Madison, and many others, but I content myself with having shown that this proscribed word, "accede," is a "constitutional word," frequently used while the constitution was under consideration; and if it implies, as the honorable Senator seems to think, a right in the parties acceding to the Union to secede from it, I leave him to the full and free exercise of his acknowledged ingenuity to extricate himself from the dilemma into which he has fallen. He will not, I trust, persist, in the face of the high evidence I have adduced, to aver that this word was unknown to the patriots who formed the constitution. The States, it is true, in the resolutions of their respective conventions, use the term "ratify;" but, by the same act which ratified the constitution, they acceded to the Union, on the conditions therein expressly specified and defined. Sir, said Mr. P., I regard the existence of the States as separate political communities as the great conservative principle of the constitution, and the foundation on which the Union can alone be preserved. They ought to be cherished as pillars of strength in the temple of liberty; remove them, and the superstructure must tumble into one general heap of irretrievable ruin.

It has been well said by a distinguished statesman, to whom we are much indebted for the free institutions under which we live, that it is not by the consolidation or concentration of powers, but by their distribution, that free Governments are to be preserved; and if this great country had not been already divided into States, that division must be made for the security of all its parts against unjust and arbitrary oppression. The powers which have been so wisely distributed among the several departments of this Government, and those reserved to the States, while each is confined within its proper orbit, are so effectually restrained by checks and balances, that no danger to civil liberty can ever arise but by encroachments which shall destroy the beauty and symmetry of the system. But, if the same extent of powers be lodged in one head, they would constitute the very essence of arbitrary government. The most important of these salutary checks on the exercise of usurped powers will be found in the State Governments, without whose interposition the weaker portions of the confederacy would very soon fall a sacrifice to the avarice and ambition of the stronger. It is essential to the preservation of our system, that each department should be kept separate and distinct, exercising only the powers confided to it, and subject to suitable restraints if it shall at any time attempt to encroach on those properly belonging to another. In this light I place the Governments of the several States, who, by a positive reservation, possess all the powers not expressly delegated to the General Government, which they created for the common benefit. I have said that the constitution is an existing compact between the States; that, as parties to it, they can and ought to judge of its infractions. On this principle depends the very existence of the confederacy. There can be no union, without parties between whom it was formed; and, if there be parties to any instrument, it is a compact or agreement binding on each, so far only as they have voluntarily consented to become bound. The amalgamation of all the States into one consolidated mass is the most direct and efficient dissolution of the Union which could be imagined. What, sir, are the arguments by which it is attempted to prove this a National Government, and thereby prostrate the State sovereignties? The honorable Senator from Massachusetts has, on this point, reasoned in a circle. He says that the articles of confederation were a compact; that the constitution was formed as a compact, but, when approved by the people of the several States, and put in operation, it became a Government; and, from that moment, lost its original character. He has referred, in support of this novel idea, to the sixth article of the constitution, which declares that "This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding." The honorable gentleman read this article to prove that, inasmuch as the constitution is declared to be a law, the supreme law, therefore, on its final ratification by the States, it was no longer a compact, but a Government of the people, with powers co-extensive with the Union, of which it was the sole judge, and subject to no other control than the will of the majority, expressed through the medium of popular elections. "Who ever heard," says he, "of a compact constitution, or of a law founded on compact?" He thus endeavors to change the structure of the Government, by putting the powers contained in the grant above the grantees from whom they were derived.

What, sir, gave to the constitution, and the laws made in pursuance thereof, and treaties made under the authority of the United States, this high attribute of supremacy over the constitution and laws of the several States? Was it not the compact which, by the common consent of the parties, made them supreme to the extent of the powers delegated? The necessity of such an article is conclusive to show that, without it, the mere establishment of the Government would not have given to its acts supremacy over State laws. It was, therefore, by the mutual consent of the parties to the compact, that the constitution, laws, and treaties of the United States were made supreme. It is the very essence of the compact which confers on them this exclusive character; but the honorable gentleman seems delighted and absorbed in the contemplation of the powers, while he totally overlooks the source from which they sprung. That which begins in compact cannot be changed by its final consummation. The contrary opinion is supported neither by reason nor precedent. If an individual possessed of a large estate divides it by his last will and testament among thirteen legatees, would it be said, after his death, that the instrument ceased to be a will, and became, by adoption, the act of the legatees? A proposition so absurd would not be listened to for a moment by any court of justice before whom the case might be brought; and yet, sir, it looks very much like the argument of the honorable Senator, according to which, the constitution, acknowledged to be entered into as a compact between the States, became the act of the people of the United States by its ratification! The edifice of the constitution rests on the solid foundation of contract or agreement between independent sovereignties; but the instant it begins to operate as the parties intended it should, the rock on which it reposes is removed, and the stupendous fabric moves supremely in the atmosphere, sustained by the majesty of its own strength, and menacing with inevitable destruction all who shall dare to approach it. Such is substantially the picture, presented to the Senate, of the charter which unites this great confederacy; it is a refinement of the imagination which cannot bear the scrutiny of reason and of candid investigation. But, to put this matter in a light still more clear and striking, I need only refer to the article of the constitution on which the honorable Senator relies to support his conclusions. In the same sentence which the Senator quotes to prove the constitution, and laws made in pursuance thereof, to be supreme, and therefore incompatible with the idea of a compact, (because it would be ridiculous to speak of a supreme compact,) I find that "all treaties made, or which shall be made, under the authority of the United States," are put on an equal footing with the constitution itself, and are expressly declared to be the supreme law of the land. Will the honorable Senator from Massachusetts rise in his place and advance the proposition, that a treaty, although formed as a compact between the high contracting parties, becomes the supreme law when ratified, and from that moment it ceases to be compact, because it is ridiculous to speak of a supreme compact? I take it for granted that he will not so far compromit his elevated character, or the dignity of his station, as to hazard an absurdity so palpable. A treaty concluded between the United States and any foreign Power must, of necessity, be a compact; and its original character is not and cannot be merged in the constitutional provision which makes it the supreme law of the land, any thing in the constitution or laws of any State to the contrary notwithstanding. I ask, then, sir, if it be admitted, as it has been, that the constitution was formed as a compact between the States, who were parties to it, can any distinction, founded on legal reasoning, be drawn, which would disrobe it of that original character, not equally applicable to a treaty with a foreign Power? They are both expressly made the supreme law; and if, in consequence of that provision, the constitution ceased to be a compact after its ratification, it is obvious that, if the same words mean the same thing, a treaty also, on its ratification, would become a supreme rule of action, and could no longer be regarded as a compact. I call on the honorable gentleman, if he can, to distinguish the one case from the other. I understood the honorable gentleman to yield the right of the States to judge of a breach of the constitution, if it be an existing compact between them, which I cannot but hope has been already fully demonstrated; but if it be necessary to give to reason the adventitious aid of precedent, I have a rich fund of these on which to draw, commencing with the convention of 1787, and running through every subsequent exposition of the constitution given by the most enlightened members of that body.

It is not my intention to wade through the numerous state papers which recognise the constitution as an existing compact between the States—a bare compilation of them would fill a volume; but I shall present to the Senate a summary comprehending the objections urged against the constitution, founded on the apprehensions of many distinguished patriots who opposed it, that it might be construed to annihilate the sovereignty of the States, and the manner in which those objections were answered and explained. Concurring with Mr. Jefferson, whose letter to Mr. Gerry has been read by the honorable Senator from Virginia, [MR. RIVES,] that the constitution ought to be received as it was explained by its friends, and not as its enemies characterized it, I rest on this ground, with perfect safety, the question of compact and State sovereignty. The honorable Senator from Massachusetts takes the broad principle for granted, that the ratification of the constitution by the people of the States, in their conventions, constituted a National Government, "erected by the people," with supreme powers; capable, by its laws, of binding the States in all cases whatsoever, and liable to no other restraint than the popular will. He avers that it was advocated by its friends as such, and so accepted by the several State conventions. I deny the premises of the honorable gentleman, both in form and substance, and appeal with confidence to the political annals of the country, to show that the sovereignty of the States was conceded, on all sides, to be a part of the system; and that the grant of powers created a federal league or compact, under definite limitations, and not a National Government, in the sense applied to it by the honorable Senator. In the general convention there were many who desired to establish a National Government, and some who would have created a limited monarchy. Propositions were made, embracing, to a certain extent, both those plans. The members from the large States were generally in favor of surrendering the sovereignty of the States, and enlarging the range of powers to be vested in the Government which they were about to erect; but the small States, having an equal vote with their powerful neighbors, saw the dangers to which they would be liable by an abandonment of their federative rights, and combined to preserve them, by retaining their original sovereignty. The resolutions submitted by Governor Randolph were national throughout; had they been incorporated in the constitution, and ratified by the States, then, indeed, this Government would have assumed a character decidedly national; but they were successfully resisted on this very ground, and so modified as to secure the independence of the smallest member of the confederacy. We are indebted to the firmness of the small States for all the restrictions contained in the constitution on the powers of this Government; without their interposition, the sovereignty of the States would have been swept away before the irresistible current of federal or national authority. They succeeded in the struggle, or, at any rate, thought themselves successful in guarding their reserved powers; or, rest assured, sir, this constitution would never have been acceded to by them. Rufus King, a distinguished member of that convention, a strong advocate of the constitution, a federalist of the ultra school, when he found that their efforts must fail if the State Governments were not properly secured and protected, gave to the system its true interpretation, in a very short speech, which I beg leave to read to the Senate. Mr. King said: "I am in sentiment with those who wish the preservation of State Governments; but the General Government may be so constituted as to effect it. Let the constitution we are about forming be considered as a commission under which the General Government shall act, and, as such, it will be the guardian of State rights." Sir, I should think myself fortunate if I could bring the doctrines of the dominant party, and their new allies, back to the standard of the federalists who participated in the formation of the constitution; I should certainly prefer sailing under the political flag of Jefferson and of Madison, as he was in 1798-9; but when I see the strides which are now made, by a union of avarice and ambition, to break down all the barriers of the constitution, and rear on its ruins a military despotism, I would gladly compromise, amidst the general wreck, by adopting the comparatively moderate creed of Rufus King, of Hamilton, of Ames, or even of the elder Adams, who fell under the weight of the alien and sedition laws, enacted during his disastrous administration. Mr. King, than whom no man understood better the force of words, says that the "constitution we are forming ought to be considered a commission, under which the General Government shall act." By whom was the commission granted? By the States, represented in the convention, as separate political communities. For what purpose? Assuredly, not to effect their own dissolution and destruction. No, sir. Mr. King tells us that, acting under this commission, the "Government will be the guardian of State rights." Who ever heard of a commission, from subordinate parts to a single nation, clothed with the omnipotent powers of the British Parliament? The crude idea which ordinary men entertain of a commission, is responsibility, on the part of him who takes it, to him who grants it; but we are now called on to invert the common understanding of mankind on this point, and render the party who accepts the commission supreme over the grantors from whom the authority is derived. But I will not dwell longer on the reference which I have made to the language of Mr. King, deeming it sufficiently plain to show the opinions of that great man on the subject to which it relates. But I turn to the journal of the convention for an authority which must forever put at rest the assumption that this Government was designed to form of the whole people one nation. The honorable Senator from Massachusetts has bestowed a merited eulogium on the character and talents of Oliver Ellsworth, of Connecticut. He has read a paragraph from the speech of that gentleman delivered in the State convention, of which he was a member, to show that he regarded the Government as a national one. I confess, the part of the speech read to the Senate did not make the same impression on me that it seems it did on the mind of the honorable Senator; I saw nothing in it which I felt disposed to condemn. But, as I feel very sure that the authority of Mr. Ellsworth will have great weight in the adjustment of this question, I refer with confidence to his opinions, given in the most imposing form, in the proceedings of the convention held in Philadelphia.

Extract from Yates's Minutes.

"Wednesday, June 20, 1787.—Met, pursuant to adjournment. Present, eleven States.

"Judge Ellsworth.—I propose, and therefore move, to expunge the word 'national,' in the first resolve, and to place in the room of it 'Government of the United States;' which was agreed to, *nem. con.*"

Thus, the convention, after the constitution had been fully discussed and nearly matured, unanimously expunged the word "national" from the first resolution offered by Governor Randolph, and thereby closed the door to all future controversy concerning the real character of the Government. We are familiarly called a nation; and, to some purposes, we may be properly so called. In all the foreign action of the Government, we are a single nation, one people, presenting one undivided front. If war with a foreign Power should break out, we defend our national honor and rights as one nation; treaties of commerce and navigation, with all the nations of the world, are entered into and executed by the United States of America, as one nation. The entire scope of our diplomatic intercourse is conducted as one nation. We share, in common, the dangers and the glory of our country. But when we look at home, into our domestic relations, our system is far otherwise. We exhibit a new and admirable structure of government, founded on free principles, composed of twenty-four distinct parts or communities, each independent of the other, confederated for certain great purposes, in the accomplishment of which each has an equal interest; and, for all other purposes, they remain in the full possession of their original rights and sovereignty.

We find, in all the debates on the constitution, the deepest solicitude manifested by those high-souled patriotic men who opposed its ratification, for the preservation of the State Governments. The fulfilment of their predictions have been referred to as evidence of the true meaning of the constitution, and we are about to carry them out into full operation. The evil tendencies of the broad phrases in the constitution, which they deprecated, and for which they were laughed at as political enthusiasts, are now fast ripening into historical truths. Sir, who can doubt, that if the fears and apprehensions of Henry and Martin, and a host of others, had been generally received as sound constructions of the constitution, it would have been rejected nearly by every State in the Union? It was because their objections were explained away by the friends of the system, and more especially on the delicate point of State sovereignty, that the States (many of them reluctantly) ratified the constitution. Throughout the debates in the conventions of the States, there was a striking uniformity in the reasoning of the statesmen of that day who opposed the constitution, and almost the same uniformity on the part of its advocates in smoothing the way for its ratification. I will refer to a few examples on both sides of the question, from which it will be seen under what views and pledges the friends of the system recommended it to the people of the States. Mr. Henry, of Virginia, was, perhaps, the most formidable opponent of the new plan of Government, and the stoutest champion of State rights. I therefore quote from him a few passages. (See note A.)

This extraordinary man, animated by the purest impulses of patriotism and a devotion to liberty, which he so strongly manifested at the dawn of the revolution, looked on the powers conferred on the Federal Government with alarm and apprehension. He predicted that they would result in consolidation—the annihilation of State sovereignty—the establishment of military power to overawe the civil authorities of the country, and systems of exorbitant taxation, unequal, unjust, and oppressive. How far his predictions have been fulfilled, let the history of our legislation for a few years past testify. To the opinions of Mr. Henry, I beg leave to add those of Luther Martin, given in his celebrated exposé to the Legislature of Maryland, a few extracts from which I will now read to the Senate. (See note B.)

If the age of prophecy had not passed away; if men were permitted by the all-wise Creator to look into futurity, and speak a language applicable to the events of another generation, we might well imagine that Mr. Martin had anticipated the very measure now under consideration, and warned his fellow-citizens of its fatal consequences to their liberties. Yes, sir, we now see the prediction of Mr. Martin, in this respect, fulfilled to the letter. The very first case which has occurred under our system, where a State has thought it necessary to put her militia in a situation to "counteract the arbitrary measures of the General Government," has been denounced as "rebellion and treason;" and the bill on your table proposes to put at the disposal of the commander-in-chief the army and navy, with a discretionary power to march at the head of his troops into the State, and subdue her into obedience to the laws, which she in her sovereign capacity has declared to be unjust, and unconstitutional, and oppressive beyond all reasonable endurance. Sir, it seldom happens that human reason, limited as it has been by divine wisdom, can penetrate through the vista of time, and point to remote consequences with such precision and accuracy as Luther Martin has done in that part of his exposition of the constitution to which I have referred. I might enlarge these references, but I forbear. The same views, in substance, were taken by the venerable George Clinton and his compatriots, in the convention of New York; by Findley and Smiley, in Pennsylvania; and they are also to be found in the debates of all the State conventions which have been published. How were they answered by the friends of the constitution? The Senator from Massachusetts has asserted that the enemies of the system gave to it the true construction; that it was so advocated by its friends, and ratified with a full and fair understanding on all sides; that it erected a supreme National Government; and the honorable Senator from New Jersey [Mr. FRELINGHUYSEN] has said that one great object of the constitution was to "subdue the proud sovereignty of the States." Now, sir, I utterly deny that the constitution was admitted to be liable to the constructions put on it at the time of its adoption by those who opposed it, or that the subjugation of the States was avowed as one of its objects. On the contrary, it will be seen, by a recurrence to the journals and debates, that the friends of the constitution insisted that the fears entertained and expressed by its opponents were wholly unfounded; that the State Governments constituted an essential part of the system, and must be preserved; that they had the means of protecting themselves against the exercise of usurped powers, and would be justifiable in doing so if Congress should, at any time, pass laws not falling within the obvious intent and meaning of the delegated powers. What is the language of Alexander Hamilton on this subject? (See note C.)

On the same subject I subjoin extracts from the answers made by Judge Wilson, in the convention of Pennsylvania, to members of that body who opposed the ratification of the constitution on the ground of its tendency to absorb, and ultimately to destroy, the State Governments. (See note D.)

I give also Mr. Madison's views, in the Federalist, a work comprehending a general commentary on the text of the constitution, in which he largely participated; the object of which was to render the system acceptable to the States, and to obviate objections which had been made against it. To this I add an extract from the speech of Mr. Madison, in reply to Mr. Henry, in the convention of Virginia; and with these I shall close the authorities on which I rely to show the light in which the constitution was explained and recommended by its most active and talented friends. (See note E.)

I have selected from the numerous sources to which I might have resorted, for similar opinions, the names of Hamilton, Wilson, and Madison, as they stood at the head of the original friends of the plan of Government, of which they were the most enlightened expounders. It will be seen, by a careful examination of the explanations given by those individuals, whose biography illustrates the American name, and whose fame will go down to the latest posterity as ornaments to our country, that they disclaimed the idea of consolidation—a single nation—military coercion on a sovereign State, and earnestly contended that, under the constitution, the State Governments would be secure against usurped powers, and could not be overthrown until the "whole people of America were robbed of their liberties." If, sir, the bold declarations had then been made which we now hear from honorable Senators, that "one great object of the constitution was to humble the proud sovereignty of the States," that the Government which they were about to establish was to combine all the divisions of the confederacy, and form of them one nation with supreme powers; if, in fine, all the extravagant doctrines of the President's proclamation, as they have been expounded and defended in the progress of this debate, had been openly avowed in the general convention at Philadelphia, or in the several State conventions, no man, possessed of the most ordinary share of human reason, can believe that the Union would ever have been formed on principles so abhorrent to the patriotism and pride of the States who compose it.

Mr. President, having, as I hope, satisfactorily explored the elementary principles of the Government, in reference particularly to the subsisting relations between the several States and the Union, I pass on to the expositions subsequently given to these principles in the practical operations of the Government under the administration of Washington, and the illustrious men who succeeded him as Chief Magistrates of the republic. No one can be so blind, or so ignorant of the nature of man, as to believe for a single moment that a written constitution, conferring specific and defined powers, can be administered over a number of distinct political communities, without the occurrence of dangers and difficulties, which can only be overcome by the exercise of wisdom, forbearance, and moderation, on the part of those who, for the time being, wield the destinies of the country. Such dangers and difficulties have often arisen under our system; and we may derive instruction, in the present alarming crisis, by a candid review of the actions of our predecessors on similar occasions. I shall look to the example of Washington, as most worthy of imitation, and contrast it with the mad ambition of the present administration, seeking to grasp the military power of the nation to enforce obedience to the laws, against a member of the confederacy, at the hazard of civil war, with all its inevitable horrors. The honorable Senator from Pennsylvania, [Mr. WILKINS,] the chairman of the Committee on the Judiciary, has thought proper, in his opening remarks on this bill, to liken the proceedings in South Carolina to the insurrection which took place in Pennsylvania in 1794, commonly called the "whiskey insurrection." The analogy which the honorable Senator attempts to draw between the two cases might be tolerated, if Pennsylvania, in her sovereign capacity, had authorized the resistance then made to the execution of the excise laws of Congress. But such was not the fact. A small portion of the people of the State had withdrawn from the great body of their fellow-citizens, and threatened, by force and violence, to obstruct the execution of the laws of the Union, made in pursuance of an express provision of the constitution, in defiance of the power of the State Government to which their allegiance was due, and of the Government of the United States, to the laws of which they refused obedience. This amounted to open rebellion, according to every definition given of it by the writers on national law. The Governor of the State made a formal requisition on the President for aid to suppress it. The two Governments acted together in reducing the insurgents to subjection, and restoring tranquillity in the disaffected district. Is it not, therefore, absurd and ridiculous to place this banditti on a footing with a sovereign State, acting on her reserved rights, to protect her citizens against the operation of oppressive laws, made, as she believes, in violation of the constitution?

But, sir, wide as the difference evidently is between the two cases, and insulting as the unfounded comparison may be thought to the honor and chivalry of South Carolina, I should have felt less mortification if the President had treated that State with the moderation and respect which was extended by Washington and Mifflin to a band of Pennsylvania rebels! If the honorable member will take the trouble to turn over a few pages of Ramsay's History of the United States, relating to this subject, he will find that this rebellion had broken out into acts of violence and blood before the proclamation of President Washington commanding them to disperse was promulgated. On the 15th of July, 1794, the marshal of the United States, while in the discharge of his official duty, was beset on the road by a body of armed men, who shot at him. On the next day, the insurgents, to the number of 500 men, attacked the house of the inspector. He had obtained from the garrison a detachment of eleven men for his security and protection. They were called upon by the assailants to march out and ground their arms; which being refused, they set fire to several adjacent buildings; upon which, the besieged party came out and surrendered. The insurgents violently stopped the mail from Pittsburg to Philadelphia, and took out the letters. They openly avowed their intention to resist by force of arms the authority of the United States, and thereby to extort a repeal of the excise law. What, sir, after all these outrages had been committed, was the mild course of President Washington? He refused to exercise the power vested in him to call out the militia, until he received the certificate of the district judge "that the laws of the United States were opposed, and their execution obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal." The proper certificate having been obtained, what was the next step of the President? He consulted with Mr. Mifflin, then Governor of Pennsylvania, and, with his concurrence, commissioners were appointed on the part of the State and of the United States, to meet commissioners from the insurgents, and if possible bring them to reason without a resort to force. After the cup of conciliation was exhausted to the dregs, and every expedient to restore order and tranquillity among the insurgents had failed, then, and not till then, proclamations were issued as well by the President of the United States as by the Governor of Pennsylvania, and a competent number of the militia of the several adjoining States were called out to suppress the insurrection. The lofty spirit of Washington did not feel humbled by sending a minister to soothe the exasperated feelings of a few misguided men, whose crimes subjected them to instant punishment. He treated them with kindness and moderation, even after overt acts of treason and rebellion had been committed by them. His counsels were those of wisdom, and his acts were dictated by the purest patriotism; public opinion sustained him, and the empire of the laws was maintained without the shedding of one drop of blood. How has this noble example been dishonored in the course of President Jackson towards a sister State of the confederacy? No combinations or assemblages of persons have been found to resist the execution of the laws; no act of violence has been committed or attempted against the officers of the Government; no obstructions have been interposed to the ordinary course of judicial proceedings; no application from the Legislature or the Governor for aid to suppress an insurrection, (for in truth none such has existed;) no certificate from the district judge, that the laws cannot be enforced by the powers vested in the marshal: but South Carolina, in her highest sovereign capacity, has declared certain acts of Congress unconstitutional and oppressive, and therefore not law within the limits of that State. Her Legislature has enacted laws in conformity with the wishes and opinions of the people of the State, on that subject; and, without the happening of any event which, in the slightest degree, violated or endangered the public peace, the President fulminates against the whole people of the State a proclamation, denouncing those acts of sovereignty as treason and rebellion, and demanding their repeal under the menace of the most signal punishment, by the strong arm of military power. He did not condescend to open a correspondence with the Governor of South Carolina to smooth away the impending difficulties, which were yet in a condition to be amicably settled. He sent no commissioner of peace to soothe the feelings of the State by assurances that their reasonable complaints should be listened to and redressed, nor even to give them the poor consolation that his influence would be exerted to produce that result. But the presence of the army and navy in the port and harbor of Charleston gave the first intimation of the future operations which he contemplated against them, followed up by a proclamation, issued in violation of the laws of the Union, when there was no armed force for any purpose assembled, which he had authority to disperse, and no violence had been either perpetrated or meditated against the laws or judicial tribunals of the United States. The whole machinery has been levelled against the legislation of the State, with less ceremony and courtesy than Washington, in the zenith of his glory, extended to a banditti, arrayed in full force, with arms in their hands, which had actually been used for purposes of insurrection and rebellion. "Can such things be, and overcome us like a summer's cloud, without our special wonder!" Sir, I have been forcibly struck with the resemblance between the recent proceedings of the executive branch of the Government against South Carolina, and those of Lord North against the colony of Massachusetts, prior to the commencement of the American revolution.

The colony of Massachusetts protested against the tax on tea, as a usurpation of power in the British Parliament. Lord North, then at the head of the administration, answered them by sending the army and navy of England into the port and harbor of Boston, to enforce the tax, and awe the inhabitants into submission.

South Carolina has protested against the power of Congress to impose duties on foreign importations, not for revenue, but for the protection of domestic manufactures, thereby levying a tax on the exports of the State, not warranted by the spirit of the constitution, oppressive, and unjust.

The President answers her complaints by sending the army and navy of the United States into the port and harbor of Charleston, to enforce the collection of these duties, and awe the State into submission to the laws imposing them.

Lord North refused to listen to the petitions of the colonies, until they humbled themselves at the foot of the throne.

Those who echo the feelings and wishes of the President, in both Houses of Congress, call aloud for force to subdue South Carolina into obedience to the majesty of the laws and the mandates of the Executive, before any law in modification of the existing rate of duties shall be made.

Lord North exclaimed in the British Parliament, "Now is the time to assert our right to tax the colonies, and bind them in all cases whatsoever."

We are told, from a high quarter, "Now is the time to try the strength of the Union, to put down nullification forever, and enforce the majesty of the laws at the point of the bayonet."

His Majesty's proclamation was issued, commanding submission to the laws of Parliament, under the pain and penalties of high treason.

The President has sent forth his proclamation commanding South Carolina to retrace her steps, repeal her laws, and submit to unjust taxation, under the pains and penalties of treason and rebellion; and, to finish the picture, our paternal King proscribed by name all those illustious patriots who animated their countrymen to resistance against unjust and oppressive taxation; and we, too, have had a list of proscribed names among the eminent men of South Carolina, who are designated as leaders in the measures of resistance in that State against a protecting tariff. Sir, the parallel wants nothing to give it the last touch of the pencil but the passage of the bill now under consideration; and its sanguinary enactments, if carried into effect, will end in the downfall of the constitution, or the glorious triumph of liberty.

There is another precedent to which I beg leave to attract the attention of the Senate. During the administration of General Washington, in the year 1795, it will be recollected by those acquainted with the prominent events of that period, that great excitement existed in the State of Kentucky, on the subject of the free navigation of the river Mississippi. Our negotiations with Spain had been protracted to an unreasonable length, and fears were entertained that the Spanish Government did not intend to accord to the United States the free use of the only outlet to the ocean which nature had opened to the Western people. Operated on by these powerful considerations, so intimately connected with the agricultural interests of that fertile and growing region, and feeling the importance of free access to the Gulf of Mexico, through which their surplus products could alone reach a profitable market, the Legislature of Kentucky, in a memorial, drawn with much care and ability, declared their intention to secede from the Union, if the navigation of the Mississippi was not secured to them, in a reasonable time, by treaty stipulation, or in such other manner as should place it out of the reach of embarrassments or future interruptions. This strong declaration was made in language not to be misunderstood; the ground was taken, after mature consideration, and from it they had resolved never to recede one inch. Spain was at that time intriguing with certain leading men in the Western country, to induce them to withdraw from the United States, and form a part of the colony of Louisiana, with commercial immunities and advantages highly favorable to them. In the prosecution of this intrigue, Spain had been profuse in her douceurs and pensions to many distinguished citizens of Kentucky, who were supposed to possess the confidence of the people, and strong suspicions were entertained that a general officer in the American army was among the number of her pensioners. This Spanish conspiracy to separate the Western country from the Union has since been fully exposed, and now forms a part of the history of that country. What, sir, were the means resorted to by the illustrious individual then at the head of the Government, to avert the impending storm, and preserve the integrity of the Union? Did he send a message to Congress, calling on them to arm him with discretionary powers to march an army into Kentucky, and bring the Legislature to reason, and awe her citizens into obedience to the laws of the Union at all hazards? No, sir; he reposed with confidence in the virtue and patriotism of the people. He well knew that violent remedies would be productive of incurable mischiefs; that the authority of this Government could be maintained but by an appeal to the affections, and not to the fears of the people. He asked for no new military power to meet the exigency, fearful as it was; but he evinced his respect for the dignity of a sovereign State of the confederacy by the appointment of a special and confidential commissioner, who was sent with instructions to quiet the discontents which prevailed, and restore peace and harmony to the country. Colonel James Innes, of Virginia, clothed with authority from President Washington to disclose the state of the negotiation with Spain, on the interesting subject which agitated the public feeling in Kentucky, repaired to the capital of that State, opened a correspondence with the Governor, gave satisfactory explanations to the Legislature, and fully succeeded in the important object of his mission. Who can doubt that the presence of an army to measure swords with the freemen of the State would have aroused the resentment of the people to a height which might have resulted in civil strife and a dissolution of the Union? Had the counsels of him who was "first in war, first in peace, and first in the hearts of his countrymen," been followed by him who now holds in his hands the sceptre of power, we should not have been disturbed in our slumbers by the ghost of nullification. We should have been spared the tragi-comedy of proclamation, manifestoes, and bloody legislation; the tide of events would have rolled smoothly on, undisturbed by the jarring elements of infuriated passions which have conducted us almost to the verge of military despotism. South Carolina may have acted without due deliberation; she may have been rash and precipitate in her movements; nay, sir, I go further;

it may be admitted that she is wrong both in theory and practice; but she is, nevertheless, one of the old thirteen States, whose valor made us a free people. She was surely entitled to the respect shown by Washington to the Pennsylvania rebels, and to her younger sister Kentucky; if, indeed, she is not fully justified in the attitude she has assumed in the defence of her reserved rights. But how has she been treated by President Jackson? If common, uncontradicted rumor may be credited, a spy was employed to distort and misrepresent the proceedings of the convention, to implicate particular members of it, who have been denounced as objects of Executive vengeance. A military armament was put in requisition before their deliberations had terminated. But, sir, suppose, instead of sending an individual to perform the insidious functions of a spy on the convention, he had, like Washington, have sent to them a messenger of peace, concord, and harmony: suppose he had expressed to that body his ardent devotion to the Union, and a sincere wish that no measure should be adopted which might have a tendency to endanger it, coupled with assurances that his influence would not be wanting to remove the burdens of which they so justly complained; or, if he had said no more than he did in his opening message to Congress—the expression of those good dispositions, coming from so high a source, could not have failed to make the deepest impression; and, under their influence, it is but fair to conclude that the convention would have adjourned to a distant day; and, in the mean time, the causes of the discontent being removed, there would have existed no necessity for the re-assembling of that body. But all these obvious means of restoring tranquillity were overlooked; and power, in the might and majesty of its strength, stands forth to hurl instant destruction on the heads of all who dare to resist it.

I warn those who urge this fatal measure, with a view to coercion on the action of South Carolina, to pause and reflect well on the consequences of this untried experiment. They may find, when it is too late to retrograde, that it does not comport with the genius of a free people to substitute the law of force for the wholesome corrective of public opinion; that this Government is founded on the latter, and cannot long exist if its existence should be made to depend on the former. The sword and the bayonet are the appropriate engines of Kings and despots; they speak to their subjects the language of command, and operate on their fears by the terrors of a mercenary soldiery; but, rest assured, such are not the means by which our free institutions can be preserved and perpetuated. The President, in his message which preceded the introduction of this bill into the Senate, and on which it is founded, has claimed for this Government omnipotent powers, which cannot be counteracted but by a resort to the natural and inherent right of revolution, which implies the right of the stronger party to subjugate the weaker, and places the liberties of the people on the uncertain and doubtful tenure of physical strength, without regard to justice or the limitations in the constitution, on the action of the majority, which are wholly useless if they do not protect the rights of the minority. He tells us "that nothing less than causes which would justify a revolutionary remedy can absolve the people from this obligation, and for nothing less can the Government permit it to be done; that there exist no checks on the powers of Congress but the veto of the Executive, the authority of the Judiciary, and the sound action of public opinion; which, with the ultimate power of amendment, are the salutary and only limitations on the powers of the whole." The President then proceeds to lay down certain general principles, which, as they do not agree with any exposition given of the constitution at the time of its adoption by those who framed it, and as they are now put forth by authority, I shall give them a concise and comprehensive examination. Speaking of the posture of the State Governments as members of the Union, the President says, "The laws of a State cannot authorize the commission of crime against the United States, or any other act which, according to the supreme law of the Union, would be otherwise unlawful." He has repudiated all the opinions which are to be found in his former messages on the powers of the courts of the United States, on which subject I think he has been more explicit than on any other; and we are now favored with a new version of the powers of that important branch of the Government. Since the missionaries have been pardoned, and there is no longer a judgment of the Supreme Court to be executed against the legislative enactments of the State of Georgia, conflicting with the constitution and laws of the Union, the President tells us that "it is equally clear, that if there be any case in which a State, as such, is affected by the laws [of Congress] beyond the scope of judicial power, the remedy consists—[in what?—] in appeals to the people, [of the whole Union, doubtless,] either to effect a change in the representation, or procure relief by an amendment of the constitution." He further adds, that "the measures of the Government are to be recognised as valid, and consequently supreme, until these remedies have been effectually tried. (See note F.) Now, sir, this is rank consolidation. It puts the constitutional restrictions at defiance, and gives the same force and effect to laws made in violation of the granted powers, as is given in the constitution to laws made in "pursuance thereof." Under such a Government, a written constitution is but an empty name; a promise to the ear, but to be broken at pleasure; deceptive in its practical operations, and a taunting insult to the minority, for whose protection alone it was made. The measures of the Government are emphatically declared valid, and therefore supreme, whether they be constitutional or not; and the remedies, if they can be so called, which are left open to the oppressed sections, consist in revolution; appeals to the people interested in the results of these measures, to repeal them and remove the oppression; or, what is still more hopeless, to amend the constitution, in order to prohibit, in express terms, the exercise of a power usurped by the same majority, three-fourths of whom would be required to give effect to the proposed amendments! These are the monstrous doctrines of the constitutional advisers of the President, professing, as they hypocritically do, to hold in the highest veneration the sanctity of State rights, and a strict observance of the limitations on the action of the majority, so carefully enumerated in the constitution. If this be not a Government of checks and balances, but popular in its formation, and liable to no other control than the will of the majority, it differs only in name from the arbitrary Governments of the old world. There, too, the right of revolution is recognised; their laws cannot be enacted or repealed without the concurrence of a majority; and all the remedies which are pointed out to protect the rights and liberties of the American people, are equally applicable to the Government of England or France, or of any other nation not wholly despotic. Sir, I have searched in vain for any definition of the powers of this Government, with which its founders have furnished the public, similar to that which I find in the proclamation and message of President Jackson; they are peculiar to the professors who lecture on constitutional law in the new school; and I must be permitted to defend the true faith, as our fathers have handed it down to us, and to reject the heresies of this modern political *sciola*. No man ever lived who cherished a more ardent devotion to the powers of the Federal Government than did Alexander Hamilton. He honestly avowed his predilections for the supremacy of the Union, and was therefore denounced as a political heretic by the republican party throughout the country. But, compared with the giant strides of those who now rule over us, he sinks into a mere pigmy. I turn from this orthodox church, in which one set of principles are preached, and others carried out into practice, with infinite pleasure and satisfaction, to the sound views of Mr. Hamilton, however much he may have been reviled in the course of his illustrious life. Did he say that the "measures of the Government are to be recognised as valid," without exception, until the majority can be prevailed on to repeal them? Let his own words answer.

"The States as well as individuals, (says Mr. Hamilton) are bound by these laws; but the laws of Congress are restricted to a certain sphere; and when they depart from this sphere, they are no longer supreme or binding."

Mr. Hamilton, the ablest advocate of the constitution, and of constructive powers to their utmost limit, claims only supremacy for the laws coming within the range of the delegated powers, and freely admits that such laws as depart from this sphere are no longer "supreme or binding." The President overleaps the barriers, and assumes for the laws of the Union supremacy in all cases, while they remain unrepealed. There is a remarkable difference, also, between them in the remedy to be interposed against usurped powers. Appeals to the whole people of the United States to change their mode of representation, or amend the constitution, is the rule laid down by the President as the only means, short of revolution, to obtain redress, or restrain the measures of the Government within the sphere prescribed to it by the constitution. Let us see what Mr. Hamilton says on this subject:

"It may safely be received, as an axiom in our political system, that the State Governments will, in all possible contingencies, afford complete security against invasions of the public liberty, by the national authority. Projects of usurpation cannot be marked under pretences so likely to escape the penetration of select bodies, as of the people at large. The Legislatures will have better means of information; they can discover the danger at a distance, and, possessing all the organs of civil power, and the confidence of the people, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community."

Here is a clear recognition of the right of State interposition, drawn from the Federalist, which, in the opinion of the writer, affords complete security against usurpation and invasions of public liberty. The precise case put by Mr. Hamilton has arisen. The power to lay imposts on foreign manufactures, for purposes unknown to the constitution, has been usurped by Congress, under specious "pretences," which might well escape the "penetration" of the people at large; but the Legislature of a sovereign State, possessing "better means of information," have seen the injustice of the system, and the injuries which it inflicts on agricultural labor; they have discovered also the "danger at a distance" to the future prosperity of the State, and to her equal rights as a member of the Union; and she has adopted a "regular plan of opposition," by resorting to her reserved rights, which ought, "in all possible contingencies, to afford complete security against an invasion" of the constitution. Well, sir, the President claims the power to coerce this State, (acting in conformity with an exposition of the principles of the Government, cotemporaneous with its inception, by one of its most distinguished advocates) to unconditional submission to these laws, which he admits to be unnecessary and unjust, and which the people of the State resisting them regard as a gross violation of the spirit, intent, and meaning of the constitution. We are called on to sanction this claim, by placing at his disposal, for the purpose, the army and navy, and the militia of the United States. How was this extravagant power considered by Mr. Hamilton, in the debates on the constitution in the convention of New York, to which I referred in a preceding part of my remarks? He indignantly repels the idea of military coercion on a sovereign State of the confederacy. He deprecates the employment of force, in strong terms, and with a clear perception of its consequences. I beg the indulgence of the Senate, while I read to them a few sentences from the speech of this eminent statesman. "It has been well observed," said he "that to coerce the States is one of the maddest projects that was ever devised. What picture does this idea present to our view? Congress marching the troops of one State into the bosom of another; this State collecting auxiliaries, and forming, perhaps, a majority against its federal head: here is a nation at war with itself. Can any reasonable man be well disposed towards a Government which makes war and carnage the only means of supporting itself—a Government that can exist only by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such Government." Such are the opinions of Alexander Hamilton, an ultra-federalist of 1789, who adhered with unbending firmness to all the powers which could properly be claimed for this Government, either by express grant or implication. Contrast them with the principles avowed by the Chief Magistrate in his proclamation and message, and it exhibits the most striking evidence of the singular transposition of political parties which has ever occurred in this country.

All parties seem to have agreed, when this constitution was adopted, that a law of Congress, not made in pursuance of the granted powers, was absolutely null and void; that neither the States nor the people could be bound by any such unauthorized act. This principle has often been recognised by judicial decisions, both in the federal and the State courts. I will refer to a few cases on this point. In the case of Marbury *vs.* Madison, decided in the Supreme Court of the United States, Chief Justice Marshall, who delivered the opinion of the court, said: "That the constitution is the fundamental and paramount law of the nation, and all acts repugnant to it are void." The same principle is fully sustained by Chief Justice McKean, in the Supreme Court of Pennsylvania, in the celebrated case of the Commonwealth against Cobbett, in which that enlightened judge took an enlarged view of the powers of this Government, and of those reserved to the States, fully recognising their right to interpose and protect their citizens against the operation of an unconstitutional act of Congress. This interesting decision, which for many years fixed the political character of Pennsylvania, was adopted by the distinguished Judge Roane, of the high court of appeals of Virginia, in his very clear and able opinion delivered in that court in the case of Hunter *vs.* Martin. To these I beg leave to add the opinion of another learned judge in Pennsylvania, in the memorable case of Olmstead. Chief Justice Tilghman, after taking a general view of the case, thus expressed himself: "The United States have no power, legislative or judicial, except what is derived from the constitution. When these powers are clearly exceeded, the independence of the States and the peace of the Union demand that the State courts should, in cases brought properly before them, give redress. There is no law which forbids it; their oath of office exacts it; and if they do not, what course is to be taken? We must be reduced to the miserable extremity of opposing force to force, and arraying citizen against citizen; for it is vain to expect that the States will submit to manifest and flagrant usurpations of power by the United States, if [which God forbid!] they ever attempt them."

Numerous other decisions, corresponding with those which I have selected, might be cited to show how far the laws of the Union are supreme and binding, and how far the States may interpose their sovereign authority against the operation, within their jurisdictions, of laws plainly and palpably conflicting with the constitution. But I deem it unnecessary to extend these references.

The honorable Senator from Massachusetts has given us his *beau ideal* of a national or popular Government. He has taken it for granted that ours is such a Government, and on this basis rests his whole argument. If his premises are conceded, his conclusions are inevitable. He first imagines the Government to be just what he would have made it, in its original formation, and then concludes that all opposition to its laws must be set down as treason or rebellion. He has, it is true, the high authority of the Chief Magistrate for the assumption that the "measures of the Government are to be recognised as valid, and consequently supreme," without inquiring into their conformity to the delegated powers; and it is perhaps the best opportunity which has ever occurred to revive these exploded doctrines, and fix them on the public mind, under the patronage of one who fills so large a space in the confidence and affections of the people. I do not mean to deny the right of the honorable Senator to enlist under the banner of a popular leader, and seize on circumstances so favorable, to render his own opinions, long entertained, acceptable to the great body of the American people. I do claim, however, the humble privilege of dissenting from his theory of the constitution, and the broad ground on which he places the supremacy of the Government which it created.

The honorable gentleman complains of my friend from South Carolina, and others who have entered into this debate, for the frequent use which they make of the term "consolidation." Words, he says, are things; and this word, he seems to think, is calculated to convey injurious impressions of measures with which it may be associated, however just and proper in themselves.* Now, sir, I ask, in answer to the honorable gentleman, if precisely the same use has not been made of that much abused word "nullification?" More than half of what we have heard in this protracted and interesting discussion would have been lost but for the heavy blows which have been levelled at this word "nullification." The very able and eloquent speech of the honorable Senator himself would have been disrobed of many charms, had he been denied the privilege of bestowing his maledictions on the heresy of nullification. I hope, therefore, he will pardon us for calling by its proper name a Government such as he would make this, popular in its origin, and supreme in all its acts; the plain meaning of which is—consolidation.

This word "nullification" is more important to the enemies of State rights than all the reasoning which they can bring to their aid on that subject. It has become so terrible to the ear, that nurses use it to frighten children into a compliance with their wishes; and for the same purpose it is fulminated, without any definite meaning, to frighten grown babies, who are to be found in the halls and parlors of this wide-spread city, into obedience to the creed of the orthodox church, and to the high priest whose decrees are written in the book of the covenant, and against which no one can say aught, and yet survive the revilings of the multitude. But, sir, we all know the fact, that nullification is of the purest parentage, having descended from the clear head and patriotic heart of Thomas Jefferson; and that it means nothing more than the right of a member of the compact of Union to adopt a "regular plan of opposition" to usurped powers by the Federal Government, and thereby preserve their sovereignty and independence from annihilation; which Hamilton thought would, in "all possible contingencies, afford complete security against invasions of the public liberty." It means nothing more; and we shall presently see to what extent it has been carried out by the States in which it is now so unblushingly condemned. The honorable Senator from Massachusetts has founded his reasoning on *postulata*, which I proceed to notice and controvert. He maintains—

1st. That nullification, in all its forms, is revolution.

2dly. That secession, under any circumstances, is revolution; because the constitution created direct relations between the Government and individuals, which cannot be dissolved by any authority whatever.

3dly. That the constitution of the United States is not a league, confederacy, or compact, between the people of the several States in their sovereign capacities, but a Government proper, founded on the adoption of the people, creating these direct relations between itself and individuals.

4thly. That the constitution, and laws made in pursuance thereof, and treaties, are the supreme law; and that, in all cases not capable of assuming the character of a suit in law or equity, Congress must judge of, and finally interpret, the extent of its own powers.

5thly. That any attempt, by a State, to arrest the operation of a law of the United States within her limits, on the ground that, in her opinion, such a law is unconstitutional, is a direct usurpation on the just powers of the General Government, and essentially revolutionary.

It will be seen, at a single glance, that all these propositions are based on the principle assumed by the honorable gentleman, that the Government was erected by the whole people of the United States, and is therefore popular in its character; and that all its acts must be recognised "as valid, and therefore supreme;" in which he accords with the view taken of the subject in the message of the Chief Magistrate, to which I have before referred.

I have already spoken of the origin of the Government, and shown, as I trust, by historical facts, that it has no claim to the popular character given it by the honorable Senator; but that its powers are delegated by "commission" from the States, in their sovereign capacities; that it is the agent of the States to execute this "commission," under which it acts; that, in making this grant of powers, each State retained its sovereignty and independence, and cannot be bound by any law without the "sphere of the powers enumerated in the grant." I am supported in this analysis by the high authority of Rufus King and Alexander Hamilton, whose opinions I have given in their own words, not because they are more to be relied on than those of other eminent statesmen with whom they afterwards differed, in construing the implied powers of the Government, but because they would not be liable to the suspicion of entertaining a desire to curtail, to any extent, the powers properly belonging to the Federal Government, or to give to the States higher rank than was intended to be given at the time their opinions were expressed.

It seems to have been universally received as an axiom, resulting from the nature of a written grant of powers, that any law or act contrary to the constitution is absolutely null and void, and not binding on the States or the people; but the difficulty arises, who shall decide on the infractions, if Congress should at any time usurp powers not specified in the constitution? The honorable Senator from Massachusetts admits that, if the instrument be an existing compact between the States, the parties have an undoubted right to judge for themselves when a breach has been committed; but, denying the existence of the compact, he affirms the right to be in Congress to determine, in the last resort, upon the meaning or extent of its own powers, in all cases which cannot be brought before the judicial tribunals either in law or equity. Thus the whole range of powers rejected by the convention may be usurped by arbitrary construction, and all the limitations on the action of the Government may be wholly disregarded; liberty may be endangered by a combination of interested or corrupt majorities; and we are to turn round, and gravely ask those who meditate the mischief, and against whom the charge of usurpation is made, to concede their guilty purpose, and thereby pass a vote of censure on themselves! Would such a system afford any security against the natural tendency of power to encroach on the rights of minorities, in favor of the interest of majorities? Of what avail would be limitations in a power of attorney, if the agent is to decide, in the last resort, how far he is authorized to bind his principal? If the solemn warnings of the illustrious Jefferson can have any weight in fixing the right of the parties to protect themselves, in cases of gross and palpable violations of the constitution, by interposing, in their sovereign capacities, to preserve their reserved rights from the encroachments of federal power, or the exercise of undefined discretion, without restraint, I will avail myself of the benefit of his able pen, so often referred to on great questions of constitutional law, of which he was, in my opinion, the soundest expositor of the day in which he lived. His language is clear and explicit, founded in common sense, which is now pretty much out of use in our halls of legislation, where refined theories and technical subtleties are substituted in its place. I find in the original draught of the Kentucky resolution, in 1798, the following sentence, which fully discloses his opinion on this point:

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* This part of Mr. Webster's remarks is omitted in his printed speech.

"That the principle and construction contended for by sundry of the State Legislatures, that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the Government, and not the constitution, would be the measure of their powers: that the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction."

Hamilton has, in substance, sanctioned these views of Mr. Jefferson, in the number of the Federalist written by him, before referred to, in which, without the application of the principle to any particular case, he advances the general proposition, that, under the system which it was his object to expound and defend, "State Governments will, in all possible contingencies, afford complete security against invasions of the public liberty by the national authority." He speaks not of revolution; he repels the idea of coercion on a sovereign State as one of the "maddest projects that was ever devised;" he says, further, that no "reasonable man can be well disposed towards a Government which makes war and carnage the only means of supporting itself—a Government that can exist only by the sword." It is obvious, therefore, that the security to be afforded by the States against usurpations of power by the national authority, can mean nothing else than a peaceful remedy; by interposing their sovereign authority within their respective jurisdictions, in some form or other, which should effectually arrest the operations of an unconstitutional act of Congress; the "security" which, he says, "will, in all possible contingencies, be complete;" and for which he depends on the action of the State Governments, must be afforded by the employment of physical force, or by the exercise of the sovereign powers of the States, in their constitutional legislative bodies. Who can doubt that the latter, and not the former remedy, was in the mind of the writer; or that he recognised the State Governments as an essential part of our system, on whose watchful vigilance we might safely rely for the security of liberty against every combination which, in the progress of time, might arise to subvert it? But the honorable Senator has denounced the State veto as an absurdity, which he says was fully tried under the old confederation, and found to be so inconvenient that to get rid of it was one great object of the new constitution. True, sir, the State veto, under the confederation, on the acts of Congress, was found to be inconvenient in practice; but it was not confined merely to the exercise of undelegated powers, but it extended to cases falling within the range of express powers. Had the States promptly complied with the requisitions made on them by Congress, and exercised a veto only on such acts as were manifestly not granted in the articles of confederation, I do not think the power would have formed a serious objection to the system. It was a favorite object then, as it is now, to vest in the Federal Government a complete control over State legislation; the proposition was several times submitted, under various modifications, and rejected by the convention. It was denied even to two-thirds of both Houses of Congress; and the reason was evident. The small States were against it, because it would subject them to the arbitrary rule of the large States, who would always have wielded the Government to their own purposes, if it had been so formed as to put the States in the power of a majority of the Representatives in Congress. For the same reason, the power of amendment was limited to three-fourths of the States. A proposition was made to give this important power to a majority of States, and, after that was negatived, it was modified so as to vest it in two-thirds; but it was deemed unsafe to trust it with a smaller number than three-fourths, which, it was thought, would effectually protect the small States, who must ever be in a minority, from a dangerous enlargement of the powers of the Government, by a combination of the large States, whose influence would, most probably, be directed in favor of popular rights and consolidation, in preference to an equal representation of the States in the Senate, and their separate independence on the will of the majority. These precautions were well considered at the time; but if Congress is to be made the sole judge of the extent of its powers, both express and implied, there will be no need of amendments to make the constitution just what a majority might think it ought to have been made by those who framed it. I will give to this part of the subject a closer examination in the order which I have prescribed to myself in this debate.

Mr. President, I shall not follow the example of honorable Senators, who have felt it to be their duty either to denounce or approve the particular movement which has taken place in South Carolina; my purpose is to investigate general principles. Let these be fixed on a sure foundation, and their application to particular cases, as they arise, will not be a difficult or complicated duty. I deny the power of this Government to interfere with the internal policy of a State, as such, unless her laws are properly brought before the judicial tribunals, in cases of law or equity, in the courts of the United States. I deny, more especially, the principle involved in the passage of this bill, which is designed to coerce, by military force, the Legislature of a sovereign State of the Union; a principle at war with our free institutions, abhorrent to the feelings of freemen, and destructive of civil liberty.

This Union, formed on the basis of compromise and mutual concession, by the States, cannot bear the shock of civil war. I hope never to witness so rash an experiment; but I have no hesitation in declaring my firm belief that the first gun which is levelled at the breast of an American citizen, by an army of mercenaries in the service of the United States, for the crime of obedience to the constituted authorities of the State to which he owes a primary allegiance, and from which he receives protection of life, liberty, and property, will be the signal of death to the confederacy. All wars are to be deprecated, but most of all civil wars, which are ever marked by scenes of desolation and cruelty, afflicting to humanity, and usually terminate in the downfall of liberty. The natural ligaments which bind society together are ruptured, without one cheering ray of hope that they can ever again be invigorated and restored to a sound and healthful action between the rival combatants. A statesman, who looks only to the enactment and execution of just and equal laws, would cautiously avoid any measure which in its tendency might be calculated to bring on our beloved country calamities, the effect of which no real patriot can contemplate without the deepest emotions of unfeigned regret. But, above all, we should hesitate much before we resort to the *ultima ratio* to enforce laws of doubtful policy, and which may be held by a respectable minority of our constituents to be both oppressive and unconstitutional. It is not always wise or prudent to push the acknowledged powers of Government to their utmost limit. Moderation and forbearance ought ever to be kept in view in the adjustment of domestic controversies, which must, in the nature of human affairs, sometimes occur in the administration of a Government composed of a numerous family of States, with interests and pursuits in many respects conflicting and diversified. I cannot bring my mind to the condition that the position occupied by South Carolina, in her opposition to imposts for the protection of manufactures, is such as to require or justify military operations against her, either to maintain the supremacy of the laws, or the dignity of the Government. Her demands are just and reasonable. Do justice, which is the highest duty of men and of Governments, and the dark cloud which hangs over the land will be dissipated by the bright sunshine of peace and tranquillity. The wrongs of which she has, in common with all the Southern States, so long and so earnestly complained, originated in a system of legislation which all agree must, to a certain extent, be abandoned.

Shall we then waste our precious time in this unprofitable discussion, when it might be so successfully employed in healing the wounds of our afflicted country, by a gradual reduction of duties on foreign importations to the necessary expenditures of the Government? But if honorable gentlemen are determined to peril the liberties of the people by lighting the torch of civil strife among the members of this free and happy confederacy, they ought at least to make one effort which might indicate a desire on their part to avoid it, before they plunge into this mad project of enforcing unjust laws on the freemen of the South by the terrors of the sword, the desolation of their fair fields, and the shedding of innocent blood. But, sir, if, as the Senator from Massachusetts has told us, "any attempt by a State to abrogate, annul, or nullify an act of Congress, or to arrest its operation within her limits, on the ground that such law is unconstitutional," is a proceeding revolutionary in its character, because it "arrests the exercise of supreme power," South Carolina has incurred this responsibility; and I should be glad to be informed by the honorable Senator how many similar revolutions have occurred in the history of our Government. The absurdity of this new definition of "revolution" cannot be better exposed than by a simple reference to the various acts of the State Governments since the adoption of the constitution, by which the right of interposition against the operation of the laws of Congress and the judicial decisions of the courts of the United States are not only asserted by the States, but carried into practical effect under the sanction of adequate penalties. I beg leave to supply the honorable Senator with a few of these State commentaries on his text.

By an act of the Legislature of the commonwealth of Pennsylvania, passed on the 2d of April, 1803, a decree of the district court of the United States, for the Pennsylvania district, is declared to have been in violation of the constitution, and therefore null and void, and "ought not to be obeyed." By the provisions of this act the execution of the decree is expressly prohibited, and the Governor of the State is authorized by any "means and measures" which he might deem necessary for the purpose, effectually to resist any attempt which might be made to enforce the decree.—(*Bioren's edition of the Laws of Pennsylvania, p.* 152.) This was the first step taken by the authority of the Legislature to vindicate the rights of the State against a judicial decision in the celebrated case of Olmstead and the heirs of Rittenhouse, involving, incidentally, the interests of that State. It was renewed at a subsequent period, which I shall presently notice.

Again: we find in the statutes of Pennsylvania an existing act of nullification, passed on the 27th of March, 1820. By the second section of the fourth article of the constitution, it is provided: "That persons held to service or labor in one State under the laws thereof, and escaping into another, shall not, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due." To carry into effect this article of the constitution, Congress passed an act prescribing the mode in which persons entitled to the service or labor of fugitives should prosecute their claims in the State in which such fugitives from labor might be found. It will not be pretended that this act violated any principle of the constitution; on the contrary, it was made in pursuance thereof, and was essential to the preservation of harmony among the several States on a subject of deep and absorbing interest. Well, sir, in opposition to this act of Congress, made in obedience to an express provision of the constitution, Pennsylvania has interposed a penal statute, declaring, "that if any alderman or justice of the peace of this commonwealth shall take cognizance of the case of any fugitive from labor from any of the United States or Territories, under a certain act of Congress, passed on the 12th day of February, 1793, entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' such alderman or justice of the peace shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not less than 500 dollars, nor exceeding 1,000 dollars; the one-half whereof shall be paid to the party prosecuting, and the other half to the use of the commonwealth."

Now, sir, I have given two several acts of the highly respectable and patriotic State of Pennsylvania, (towards which State I certainly feel the greatest respect,) resisting the judicial authority of the United States in the one case, and "arresting the operation of an act of Congress within her limits" in the other; not, indeed, on the ground that "such law is unconstitutional," because it is not liable to that objection, but merely on the ground that it did not accord with the feelings of the people of that State! Here is a case of living practical nullification, as broad as language can make it. Will the honorable Senator from Massachusetts apply his rule to good old Pennsylvania? Is she, too, involved in his general denunciation of "revolution," or of treason and rebellion, as we have it officially defined in the proclamation? If so, this revolution has endured these thirty years, and is certainly the most quiet and peaceful revolution of which we have any account in history. We heard of no pompous parade of proclamations and armies to maintain the "majesty of the laws," or the supremacy of this "National" Government. Pennsylvania has not "legislated the United States out of her limits;" she is still a most valuable and cherished member of the Union; and, as far as I know, she intends to remain so.

Again: the Legislature of Pennsylvania, in 1809, rendered it the imperative duty of the Governor to put in requisition the whole body of the militia of the State, to resist the execution of a judgment of the Supreme Court of the United States in the Olmstead case, before mentioned. Did President Adams fulminate a proclamation against the State, and charge her Legislature with the high crime of treason, rebellion, or revolution? No, sir, he opened a friendly correspondence with the Governor, which resulted in a pacific accommodation of the difficulty; the militia force was withdrawn, and the authority of the Government was maintained without a resort to extraordinary means to enforce it. But these were not the days of proclamations for political effect; or messages calling for the army, and the navy, and the militia, to humble a sovereign State into obedience to the "majesty of the laws," and bring her to the footstool of this "supreme National" Government. Public feeling would have been shocked if such a measure had been submitted under executive recommendation, as the bill now before the Senate, to make war on the legislation of Pennsylvania. No administration could have withstood the torrent of popular indignation which would have burst forth on its head, if any such arbitrary means had been resorted to on that occasion. Wisdom and moderation were then regarded as indispensable qualifications in those who wielded the powers of the Government. Under their guidance we have thus far prospered, and overcome the circumstances which threatened to disturb our domestic peace; and so it will be while such counsels prevail, and while rash men and political jugglers are not permitted, for the gratification of revenge or ambition, to break down the ramparts of the constitution in pursuit of victims or power.

I will now call the attention of the honorable Senator from Massachusetts to another case nearer home, and with which he is, doubtless, familiar. Prior to the declaration of war by the United States against Great Britain, Congress, in anticipation of that event, on the 10th of April, 1812, passed an act authorizing the President of the United States to arm and equip, according to law, and hold in readiness to march at a moment's warning, 100,000 militia, to be drawn from the several States, according to their respective proportions. The power to pass this act is expressly granted in the constitution, and the necessity for it was obvious, as we were on the eve of a war with the most powerful nation of Europe. In the execution of this act, the President of the United States, through the Secretary of War, made requisitions on the Governors of Massachusetts and Connecticut for their respective quotas of militia, directed by law to be organized for the national defence. In reply to the letter of the Secretary of War, his excellency Caleb Strong, then Governor of Massachusetts, after taking the advice of his council, informed the Secretary that "he was unable, from any view of the constitution of the United States, to perceive that any exigency exists which can render it advisable to comply with the said requisition." He afterwards required the opinion of the justices of the supreme judicial court of the State, upon the question whether the Governors of the several States have a right to determine whether any of the exigencies contemplated by the constitution of the United States exist, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him, pursuant to acts of Congress? To this question three of the justices of the Supreme Court, Theophilus Parsons, Samuel Sewall, and Isaac Parker, gave the following answer: that they were of opinion, "that the right to judge of the existence of the exigencies, contemplated by the constitution, to authorize the President to call into the service of the United States any part of the militia of the several States, is vested in the Governors or commanders-in-chief of the militia of such States." And, among other reasons which they assigned for this opinion, they state, that, "as the power is not delegated to the United States by the federal constitution, nor prohibited by it to the States, it is reserved to the States respectively." The judges proceeded further to declare, that a different construction would give to Congress the right to determine when these special cases exist, and thus the whole of the militia might be subjected to the command of the President, which would, in effect, produce a military consolidation of the States. The Governor, acting in conformity with these opinions, also absolutely refused to obey the requisition of the President, and thereby effectually arrested the "operation of the act of Congress within the limits of the State." In this determination he persisted throughout the war, and was supported in his resistance to the laws of the Union by the Legislature of the State. Was this revolution? It was clearly nullification; not, it is true, of a law of Congress, either unconstitutional or oppressive, but of a law conforming to the very letter of the constitution, requiring nothing more of the State than was required of every other State of the Union, in a crisis which forcibly appealed to the patriotism of every man in the nation, who cherished the feelings of an American citizen. Compared with this resistance to the laws of Congress, the ordinance of South Carolina sinks into insignificance. This was not merely an attempt to "arrest the operation" of a law of the United States within the limits of Massachusetts, but it put the law, the constitution, and the highest obligations which a sovereign State can incur as a member of the Union, at defiance in the midst of foreign war, when the common enemy hovered on our sea-board, and menaced invasion at every vulnerable point. It covers the whole ground of the honorable Senator's definition of revolution, treason, or rebellion, and it has remained for him to stamp on it one of those distinctive appellations. But it was not by any means so fruitful in its results as the more recent revolution which the honorable Senator has discovered in South Carolina. It did not produce even a proclamation; it was not met by army or navy; nor was Congress invoked to clothe the President with military armor to suppress or put it down, whenever, in his judgment, it might be necessary or proper to march into the State, and vindicate the "majesty of the laws" at the point of the bayonet. No, sir, none of these things happened, but it was the peculiar good fortune of this quiet "revolution" to have ended in the assumption by this Government of the debt incurred by the State to the militia, who were held in readiness to resist the national forces; who were never ordered to repel the foreign invaders by the commander-in-chief of the State; who treated with insolent contempt, and actually defied, the authority of the United States. This same militia, whose services were denied as a part of the common defence against an enemy powerful in resources and military discipline, was actually paid out of the national treasury, for doing that which their distinguished Senator has been pleased to designate as revolutionary in its character! If, sir, the President should need volunteers, under the provisions of this bill, to march into South Carolina and chastise her into submission, I hope he will not fail to remember the strong evidences which have been given in this ancient commonwealth of Massachusetts, of her determination, at all hazards, to preserve "our Federal Union," and assert the "majesty of the laws." Such troops, in a cause so holy, might be safely relied on! The same views would be applicable to Connecticut and several other States, who "arrested the operation of the laws of Congress within their limits," at this eventful epoch in our history; but as the facts and the results, in relation to either, do not materially vary, I shall not refer to them in detail; they were, I presume, all revolutionary.

Virginia, also, is liable to this imputation of revolution. Her Legislature "arrested the operation" of the sedition act, by a penal law, which is now to be found in her statute book. But she was not then aware of the interpretation which, in the march of intellect and political science, might at some distant period be put on an act, the intention of which was self-preservation and protection against the exercise of usurped powers by the General Government, in violation of personal liberty, guarantied by an express article of the constitution. She meant nothing more; and the effect of her law has proved an innocent and salutary check on the encroachments of arbitrary power. I have a long list yet remaining of these revolutions, *sui generis*, but I will not fatigue the Senate by any further references, to show to what ridiculous extremes these new versions of the doctrine of revolution, treason, and rebellion would lead us, and how widely they differ from the well-settled opinions of those who have gone before us in the practical administration of the Government. The reserved rights of the States, secured by the tenth amendment of the constitution, has almost become obsolete, and, to mention them in debate, excites only a sarcastic, reproachful smile. State interposition, *cognomened* nullification, is still more offensive, and has been strongly reprobated by the Legislatures of those very States in which it has heretofore been solemnly recognised and carried into practice. Let their own resolutions speak.

Mr. P. here read the resolutions and proceedings of the Legislatures of Massachusetts, Maine, Connecticut, New York, Pennsylvania, Kentucky, Virginia, Ohio, and several other States, each declaring for itself, in substance, "that, as a member of the Federal Union, the Legislature acknowledges the supremacy, and will cheerfully submit to the authority, of the General Government, as far as that authority is delegated by the constitution of the United States. But, whilst they yield to this authority, when exercised within constitutional limits, they trust they will not be considered as acting hostile to the General Government, when, as guardians of State rights, they cannot permit an infringement of those rights by an unconstitutional exercise of power."

There is, (said Mr. P.) some difference in the precise language used in these various resolutions, but they are all substantially the same, and affirm the right of each State to resist the operation of an unconstitutional law of Congress within its limits. On this principle the States have invariably acted, and so they will continue to act whenever their particular interests are invaded; and I will add—so they ought to act in all cases of unjust and oppressive usurpations of power, which cannot be brought before the courts of justice in the ordinary course of judicial proceedings. Dangers to human liberty are not to be found in restraints on power; they must be looked for in an opposite direction. Power, in its nature, is cumulative; it seizes on every favorable circumstance to extend and ramify itself, until it reaches an elevation where it may repose in safety, and bid defiance to all opposition; it never voluntarily recedes, but must be driven back to its proper orbit by means which it is unable to resist. If, therefore, I am left to choose between the evils of State interposition and those which might reasonably be apprehended from a Government of defined powers, of the extent of which it is made the sole arbiter—I accord my preference to the check, however inconvenient it may sometimes prove in practice, and utterly reject the wide range of constructive powers which are claimed for the Federal Government, without limitation or restraint. I admit that evils may present themselves on both sides, but the States, individually, are the weakest, and most liable to injury and oppression; I would therefore trust them with the reasonable means of resistance, sooner than make the strong arm of the General Government still more powerful, by rendering it supreme and irresponsible to the several members of the Union. I will briefly contrast the mischiefs which might arise from an abuse of power by the States, with those which would inevitably result from a Government subject to no control but its own arbitrary discretion: and see on which side the scale preponderates. The honorable Senator from Massachusetts says that a majority must govern; that the judgment of the majority must stand as the judgment of the whole; that the right of State interposition strikes at the very foundation of the legislative powers of Congress; that Congress must judge of the extent of its own powers so often as it is called on to exercise them; and he ridicules the idea of twenty-four different constructions of the constitution, in the twenty-four States, as tending to produce anarchy and revolution. Well, sir, I will take the great principles of the Government, for which the honorable gentleman contends, to be as he would have them—how then would the system operate? What security would he give us that liberty might not be driven out of the country? that free government would not very soon give place to one of absolute authority, incompatible with the existing relations between the States, and subversive of personal rights? Permit me to range the propositions of the honorable Senator under their appropriate heads, and we shall then discern more clearly the consequences to which they must lead.

1. The will of the majority must, in all cases, govern; or, in other words, the judgment of the majority must stand as the judgment of the whole.

2. Congress must judge, in the last resort, of the extent of its own powers.

3. That any attempt by a State to abrogate, annul, or nullify an act of Congress, or to arrest its operations within her limits, on the ground that such law is unconstitutional, is revolutionary in its tendency, and must be settled by the "longest sword."

4. That secession by a State from the Union is revolution, which can be understood only at the head of an army.

If these are the legitimate powers and immunities of this Government, I maintain there is no security under it for personal liberty or the rights of property. We have, it is true, a written constitution, defining the powers of Congress; "thus far shalt thou go, and no farther;" but what of that? We are told by the honorable Senator that we have the sweeping power to make "all laws which may be necessary and proper to carry into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof." And he plainly tells us that if this means any thing, it means that Congress may judge of the true intent and just interpretation of the specific powers granted to it. Is the Government, thus expounded, one of checks and balances? or is it not, in effect, a Government of the most broad and unlimited powers, to do whatever may seem to the majority necessary and proper to promote the general welfare? There can be but one opinion on this subject among reasonable men. Let us then inquire what guaranty the States south of the Potomac, who are in a minority, have for their slave property; for equality in the public burdens; or even for the rights of conscience, the liberty of speech and of the press? One of the specified powers in the constitution guaranties to each State a republican form of government. Suppose a majority of Congress, coming from the non-slaveholding States, should decide that to carry into execution this guaranty, it is "necessary and proper" to provide by law for a general manumission of slaves from and after a given day; that slavery is inconsistent with the fundamental principles of a republican form of government. Many instances may be shown where powers much more inconsistent with the letter of the constitution have been usurped and exercised by Congress. What would be the answer of the slaveholding States to such a law? They would most certainly "attempt to abrogate, annul, or nullify" it, and "arrest its operation" within their limits, on the ground that "it is unconstitutional." But this is revolution, says the honorable Senator; treason and rebellion, the proclamation echoes! What then? Would the States, whose rights were thus outraged, submit? Such a surrender of their rights would not be expected of a high-minded gallant people. The ultimate and only remaining remedy by which they could avoid the impending blow at their happiness, independence, and prosperity, short of civil war, would be a solemn declaration that the States did not unite on such principles; that the compact of union meant to confer no such power on Congress; and that, for the preservation of their reserved rights, they had deliberately determined, as a *dernier resort*, peaceably to secede from the Union. Here, again, the complaining States would be met with the denunciation of revolution, treason, and rebellion against the supreme power, which they could not throw off but by successfully resisting it by war. They are further told, that Congress is the sole judge, in the last resort, of the extent of its implied powers; "the judgment of the majority must stand as the judgment of the whole;" and, according to the *dictum* in the message of the President, "the measures of the Government are to be recognised as *valid*, and therefore supreme;" that nothing less than causes which would "justify a revolutionary remedy can absolve the people from their obligation;" and thus the Government would make war and carnage the means of supporting itself; and all questions of doubtful powers would be settled by the "longest sword!" If the resisting States are strong enough to defy the power of the majority, then the law must be deemed unconstitutional; but if they are overpowered by the numbers opposed to them, and the "majesty of the law" is maintained, then, of course, it must be declared constitutional, and binding on the conquered States. This is the alternative; and I ask if such monstrous doctrines can be acceptable to a free and enlightened people? The supremacy of the National Government; the absolute will of the majority; the right of Congress to judge, in the last resort, of the extent of its own powers; all these high prerogatives are to be asserted at the point of the bayonet, and the barriers of the constitution are to be overthrown by the minions of power, purchased and paid by the money extracted from the pockets of the people, whom they are employed to enslave! Are honorable gentlemen prepared to transform our boasted system of confederated States into a consolidated Government, which can only exist by brute force? I hope not. But, sir, it is evident that if State interposition, in any form, is to be considered revolution, treason, or rebellion, the last argument of Kings will be the first in this republic. The "longest sword" will make the laws of Congress constitutional and supreme, when the common sense of all mankind would pronounce them unconstitutional and void. Laws respecting an establishment of religion might be passed by Congress; the sedition act, abridging the freedom of speech and of the press, might be revived; the writ of *habeas corpus* might be suspended; the law of primogeniture might be enacted; taxation for the clergy, or privileged orders, might be imposed on the States; and, extravagant as all these suppositions may appear, if the right of a State, in its sovereign capacity, to interpose a peaceable remedy to arrest their operation within its limits is denied, they must all be settled by the "longest sword," according to the doctrines which now, for the first time, seem to prevail in the councils of the nation. Sir, the honorable Senator from Massachusetts has drawn a highly colored picture of the consequences which he imagines would result from practical nullification, secession, revolution, and disunion, with all their complicated evils. I am unable to discover any of those *hydras* in the present political condition of the country. When such a crisis shall arrive, I shall not fall behind the honorable gentleman in deprecating the misfortunes which it will bring on the land; but, thank God, as they exist only in the imagination, are neither seen nor felt by this free and happy people, I dismiss from my mind this whole catalogue of fancied ills, by the single reflection that "sufficient unto the day is the evil thereof."

Our past experience has fully demonstrated that such evils are not to be expected from occasional interruptions to the action of the Government by the interference of a single State, or of any number of States, with the operation of laws which they consider unequal, oppressive, and unconstitutional. Such cases will but seldom occur under our system, and, when they do occur, they may be easily obviated by following the dictates of prudence and conciliation. If injustice has been done, it can readily be removed by peaceable means; but if civil strife should ever spring up among the people of this Union, it will owe its origin to the intemperate exercise of doubtful powers on the part of this Government. We may safely rely on the fidelity of the States to the Union which they have themselves formed, until the "whole people of America are robbed of their liberties." No State can, with a proper respect for its own interests, separate from the whole; it could not exist under the pressure of internal and external exactions on its commerce. No State will ever erect for itself a Government independent of her sister States, unless impelled to it by the most extreme necessity; a necessity which can never arise so long as this Government acts within the sphere of the powers delegated to it. This is our security against the evils of State interposition, which honorable gentlemen seem to look upon with such prophetic horror. I look with equal apprehension on the advances of federal power to consolidation and despotism. Sir, my attachments to the Union are not of modern growth; they are coeval with my entrance on the theatre of life, and have been manifested in all my public acts. When a member of the other House, in the year 1811, a distinguished member from Massachusetts, in the debate on the bill for the admission of Louisiana into the Union, used these emphatic words: "If this bill passes, the Union is virtually dissolved; and it will be the right of all, and the indispensable duty of some of the States, to prepare definitely for a separation—amicably if they can, forcibly if they must!" I rose in my place and called the honorable gentleman to order, for words which menaced a dissolution of the Union. The venerable Joseph B. Varnum, a soldier of the revolution, and Speaker of the House of Representatives, decided that it was not in order to use words in debate which threatened the stability of the Union; but the member was permitted to proceed on an appeal to the House, by a majority of only one vote. At that period the bare mention of a possibility that the Union might be dissolved was a reproach to any one who might make the intimation. Since then, it has become a prevailing topic of conversation; and why is it so? Sir, it is because federal power has become odious, in consequence of the extremes to which it has been carried by a widely expanded latitude of construction. The Union, which has now so many charms for those who bask in the sunshine of manufacturing prosperity, was not then held in such high veneration in that quarter. History affords some curious facts on this subject; and if any one is desirous of more explicit information concerning it, I refer him to a correspondence of the late President Adams, which may be found in the library of Congress. I do not believe that a single man can be found south of the Potomac who is not the firm, disinterested friend of the Union; not for gain, but because it was won by the common arms, and erected by our common ancestors. It is the last pledge of human liberty in the civilized world, and will be so estimated and cherished, until it is disrobed of its true character by avarice or ambition. It sheds a common glory over all its parts, of which all participate, with a glow of patriotic pride. Let us do justice, and the republic will endure to the end of time.

We have heard much from honorable Senators who think this a National Government, and the States municipal corporations, on the subject of citizenship and allegiance. On this point I go a step further than my honorable friend from Virginia, [Mr. TYLER,] who denies that he is a citizen of the "Government" of the United States. I deny that there can be, in the strict sense of the term, a citizen of the "United States," under the constitution. I admit that we are all familiarly called citizens of the United States, but it results from the union of the States, and is not a substantive claim to citizenship, which can be recognised as independent of the States. I cannot conceive of an individual who is so situated that he has an exclusive right to the appellation of "citizen of the United States." I am a citizen of the State of Mississippi, which is one of the States of the Union, and therefore I am a citizen of the United States. Congress may pass laws to establish a uniform rule of naturalization. This power was given for general convenience, that the rule might be the same in all the States; but if it had not been given, each State would have established a rule for itself. A foreigner who complies with the provisions of the law of naturalization, becomes from that moment a citizen of the State in which he may have taken up his residence; and if he removes into another State, he is entitled by the constitution to all the rights, privileges, and immunities of citizens in the several States. But no one can be a citizen of the United States who is not a citizen of some one of the States or Territories thereof. I owe a primary allegiance to the State which affords protection to my life, liberty, and property, and in which all my social duties and obligations are to be fulfilled; and I owe obedience to the constitution, and laws of Congress made in pursuance thereof, and am bound to contribute my equal proportion of the national burdens, and perform such other duties as Congress may by law require of me, within the intent and meaning of the constitution of the United States. The personal relations subsisting between the citizens of a State and the Government of the United States are few; they are well defined and well understood; but they can in no case supersede the primary and unqualified allegiance which every citizen owes to the constitution and laws of the State to which he belongs. If these conflict with the laws and constitution of the Union, the State, and not the individual, must be held responsible for them: any other rule would amount to a total annihilation of the State Governments, and place the creature above the creator. No citizen of a State can be compelled, by the authorities of the United States, to perform military service, even in time of war, against the will of the State to which he owes allegiance. No citizen of a State can be tried, convicted, and punished for the crime of murder, nor any other crime, treason and piracy only excepted, in the courts of the United States. I do not mean to include breaches of penal statutes relating to currency and revenue, or such other matters as fall within the exclusive powers of Congress. But the honorable Senator from Massachusetts overlooks all the high obligations of a citizen to a State, and assumes the broad ground that "the constitution of the United States creates direct relations between the Government and individuals;" that the Government possesses the power of "demanding from individuals military service;" and concludes with the averment that no "closer relations can exist between individuals and any Government." The honorable gentleman has fallen into this manifest error, in his ardent zeal to establish the supremacy of the National Government. I deny that the Government possesses the power of demanding military service from the citizens of any State in the Union. Congress, it is true, may pass laws to provide for calling forth the militia for certain purposes specified in the constitution; but no such law can be carried into effect without the intervention of the State authorities. If it, indeed, possessed this high power, it would go far to show that this is a National Government; but it cannot "demand" the services of a single militiaman without the co-operation of the Governor, who is commander-in-chief of the militia of the State. The conduct of Massachusetts and other New England States during the late war, to which I have referred in another part of my argument, is a practical illustration of the absence of any power in this Government to demand the military services of individuals. If the citizens of the several States owe a direct and paramount allegiance to the Government of the United States, they are bound by that very allegiance to perform military service whenever called on for that purpose; that they are not so bound, is conclusive proof that their primary and paramount allegiance is due to the State Governments, in which alone the absolute power resides to command those services. It is the highest attribute of sovereign power, without which it could not exist. Will the honorable Senator deny that the States are sovereign in this respect? If he does, he will find abundant proof of the fact in every page of our history, from the Declaration of Independence up to the present moment.

The honorable Senator has said that the "people in every State live under two Governments. They owe obedience to both." Treason may be committed by resistance to the constitutional acts of either. The Government of a State possesses all powers not prohibited to it by a bill of rights, or by the constitution of the United States. This Government possesses only such powers as are expressly delegated. The honorable gentleman says further, that the powers of the two Governments are not adverse, but each has its separate sphere, and its "peculiar powers and duties." But yet we know that there are many important powers common to both Governments. The supreme power, however, is claimed for the National Government; and any attempt by a State to resist the operation of a law of Congress within its limits, under any pretence whatever, we are told, is revolutionary, and may be treated accordingly. I understand the Senator to say, that, for any such resistance, he would hold the citizens individually responsible. Thus the unfortunate citizen who resists a law of Congress may be punished for treason against the United States. He cannot plead the State law in justification, because that would deny the supremacy of this Government. If, on the other hand, he resists the law of the State, he may be punished for treason against the State; and it is difficult to conceive a more unpleasant situation than that in which the Senator would place the people of the States, where the laws of the two Governments are incompatible and conflicting. They are left to take the chances of treason against the State or the United States: in either case the punishment is death. I refer to this argument of the honorable Senator to show how impracticable it is to establish direct relations between individuals and the Government of the United States, without the co-operation of the State Governments, who possess the exclusive right to demand the military services of all who live within their jurisdictions. The only responsibility which a citizen can incur directly to the Government of the United States, is for the violation of a constitutional act of Congress, for which he has no warrant or authority under the laws of the State; if such State law authorizes resistance to the laws of Congress, it devolves on the State, and not on the citizen, to answer the consequences.

It is inconceivable how we can make war on the people of a State, and exclude the idea of war on the State itself. Of what is a State composed, but the people who form the social community? Sir, it cannot be concealed that this bill is intended to operate immediately on the State of South Carolina, to coerce her into obedience to the tariff laws, which she has abrogated and annulled by a fundamental law of the State; a power no where to be found in the constitution, and which was unanimously refused by the convention which framed that charter of our liberties. I am sensible that nothing can arrest the passage of the bill, but my reliance is on the patriotism of the people of the United States. They will not embark in a contest against a sister State of the republic, to enable a few capitalists engaged in domestic manufactures to fatten on the spoils of the cultivators of the soil. The honest, independent yeomanry of New England have no feelings or interests in common with these overgrown manufacturers, or the statesmen who support their cause. I firmly believe that when they are asked to take the field, and shed the blood of their Southern brethren in such a cause, they will indignantly refuse to be made the instruments of oppression on any portion of their fellow-citizens. The sons of the patriots who refused to pay tribute to the British monarch, and who threw the tea overboard in Boston, in the face of a British army, have not so far degenerated as to sully the glorious deeds of their fathers, by giving their aid and support to a like system of unjust taxation on their own countrymen.

But the overwhelming popularity of the Chief Magistrate may enable him to embody a force to carry into execution the contemplated invasion of South Carolina. He may enter the State at the head of his legions, and spread terror among its innocent and unoffending inhabitants. He may cast his eyes around him, and take a view of the scenes of his early youth; but before he unsheathes the sword of desolation and of blood, before he encounters the stout hearts and well-nerved arms of the freemen who are prepared to meet him and perish, or triumph in the defence of liberty, it may reasonably be expected that he will animate his followers to victory and to glory by the usual address of a commander-in-chief; and, as it may not suit his convenience to prepare one for the occasion, I have taken the liberty to perform that duty in advance; and here it is:

Address of the Commander-in-chief to his army, on entering Carolina.

FELLOW SOLDIERS: You have this day entered the territory of Carolina, one of the sovereign States of this confederacy; it is your high duty to humble her to obedience to the majesty of the laws of a great and powerful nation, of which she is a component part. Her heroes and patriots bravely fought and freely bled in the glorious revolution which achieved our independence. 'Tis the land of Sumpter, of Marion, of Washington, and of Hayne, whose memories live in the pages of history and in the hearts of their countrymen. When the cloud of despotism darkened and obscured the sun of civil and political liberty, and the face of our common country was overcast with gloom and despondency, her sons, among whom your commander-in-chief is one, breasted the storm, put at defiance the mercenary minions of the British crown, and by their valor rescued these States from oppression and unjust taxation, and all the fearful consequences of usurped power. The sons of these noble ancestors are now the enemies of my Government, and on your swords I depend to bring them into subjection to our Federal Union. Fellow soldiers! Candor demands of me to make the declaration, that the system of taxation which this people have resolved to resist, I have, in another capacity, denounced as unnecessary, unjust, and oppressive. I have admonished the Legislature that the laws imposing them ought to be repealed. They have not been repealed, but remain in full force and effect. Your countrymen and fellow-citizens of this State have long complained of this oppression, but their remonstrances have remained unanswered. Their complaints are just, and their cause is that of an oppressed people. But they refuse obedience to these laws; and my motto is, "The Federal Union must be preserved." It is the duty of a soldier to act, not to think. The majesty of the laws demands that these offenders be punished, without regard to the oppression which they seek to redress.

To arms, then, and vanquish these haughty sons of Carolina; let your watchword be tribute or extermination; and when none are left to contest my power, you will return in triumph to your homes; and I will cause that justice to be done to those who survive, which has been denied to the victims of your invincible prowess.

Sir, this address may not be in good taste; it may not satisfy him who has at his command a whole cabinet of caterers, ready to dress up a dish to suit the palates of all the political epicures of the day; but there is one thing for which I think I may safely vouch: it contains more unsophisticated truths than are to be found in any state paper which we have seen on this subject. The records of the country attest these truths, and it would ill become the illustrious individual who is supposed to deliver the address to conceal them. If these can gain it admission in the archives of the Department of State, under the broad seal, I claim for it that high distinction. Sir, I ask, what man who breathes the free air of this favored land, and who is not dead to all the sensibilities of our nature, could be induced to raise his arm or point his bayonet against his fellow man, in such a cause? If we cast our eyes over the Atlantic, and view the scenes which have transpired in ill-fated Poland, we may profit by the lessons they impart to us. We are told that, not many months past, an order was given to a battalion of Prussian soldiers, (those machines of royalty and despotism, who are accustomed to execute the will of their master with as little remorse or compunction as the butcher feels who slaughters the meek and innocent lamb,) to fire on the unfortunate exiled Poles who had fled for refuge to the territories of his Prussian Majesty, after having bravely and heroically fought to give liberty to their country; but the latent spark of humanity, which can never be wholly extinguished, even in the bosom of the highway robber, broke through its icy casement, and arrested the arms of these minions of the palace. They refused, at the imminent hazard of their lives, obedience to a command so revolting to the honor of a soldier! May I not hope, sir, that such an example from the slaves of a despot will not be disparaged by the gallant freemen of America? Can it be possible that the noble spirit which animated the patriots of the revolution has departed from among us, and given place to the vilest passions of the human heart? If such is not the humiliating fact, that redeeming spirit will dispel the mist which for a while may obscure the sun of our glory; and those who seek to cover the land with desolation will learn that the hand of a freeman becomes paralyzed when raised to shed his brother's blood. I trust I do not overrate the high chivalry of my countrymen in forming this estimate of their character. In such a war no laurel wreath can be gathered, but the cypress of mourning will darken the brow and tarnish the fame of him who wears it. Sir, this mad scheme of military operations against a sovereign State is not now for the first time brought before the Senate. During the administration of President Adams, the Legislature of the State of Georgia passed laws to annul or nullify the laws of Congress regulating intercourse with the Indian tribes within her limits, and also the treaties which had been entered into between the United States and the Creek and Cherokee tribes of Indians. These laws assumed the right of the State to legislate over the territory in the occupancy of the Indian tribes within the boundaries of the State, the laws and treaties of the United States to the contrary notwithstanding. They provided severe penalties on all who should violate them; they were carried into effect in their courts of justice; and the authority of the President of the United States was set at defiance.

Sir, I am one of those who think that Georgia had a right, in her sovereign capacity, to exercise jurisdiction over all persons who might reside or be found within her chartered limits; but I have entertained doubts whether the oath which her laws prescribed to citizens of other States, residing among the Indians, was strictly compatible with that article of the constitution of the United States, which secures to the citizens of each State "all the rights, privileges, and immunities of citizens in the several States." But, nevertheless, this oath was prescribed and enforced, and citizens of Massachusetts were incarcerated in the penitentiary for refusing to take it. Well, sir, President Adams made a communication on the subject of these acts of the State of Georgia, and the question arose, whether the Government possessed the power to coerce the State into obedience by military force. This was a case of Georgia nullification; a clear case of revolution, according to the *dictum* of the honorable Senator from Massachusetts; and of treason or rebellion, as it is defined in the proclamation. The message of the President was referred to a select committee of the Senate, of which the honorable Senator from Missouri [Mr. BENTON] was chairman, and the Vice President elect [Mr. VAN BUREN] was a member of the committee. Supported as I am by these expounders of the constitution in the orthodox school, I trust I may feel myself safe in reposing on their opinions. The committee made an elaborate report, from which I beg leave to read a few sentences.

"The belief that we have arrived at a crisis when one of the members of this confederacy, placing herself in an attitude of hostility to the residue, has rendered it necessary to resort to the military power of the General Government to coerce her to submission, would be appalling to every friend to the union and happiness of these States; and, though infinitely less in degree, it would be matter of unaffected regret to have forced upon us the conviction that an unwarranted anticipation of such a crisis had led to the unnecessary suggestion of even a conditional determination to have recourse to so afflictive a measure."

"It is believed that, among those axioms which, in a Government like ours, no man may be permitted to dispute, the only security for the permanent union of these States is to be found in the principle of common affection, resting on the basis of common interest. The sanction of the constitution would be impotent to retain in concerted and harmonious action twenty-four sovereignties, hostile in their feelings towards each other, and acting under the impulse of a real or imagined diversity of interests. The resort to force would be alike vain and nugatory. Its frequent use would subject it, with demonstrative certainty, to ultimate failure, whilst its temporary success would be valueless for all the purposes of social happiness. In such contests, however unequal and however transient, the seeds of disunion would be thickly sown; and those who may be destined to witness them will speedily thereafter be called to lament the destruction of the fairest prospect of civil liberty which Heaven in its mercy has vouchsafed to man."

"The committee will not enlarge upon the frightful consequences of civil wars. They are known to be calamitous to single Governments, and fatal to confederacies. Reason tells us this, and history, with her warning voice, confirms it. A contagious fury rages in such contests. No matter how small the beginning, or how insignificant the cause, the dissension spreads until the whole confederacy is involved. The third sacred war, which ended in the ruin of all Greece, began in a trifle, in the attempt of the Amphyctions to punish the smallest member of the confederacy for violating some ground which had been consecrated to the god Apollo. The committee will not multiply examples of the same fatal character, of which history is full. They will say that the *ultima ratio regum*, which cannot be resorted to between two foreign Powers until all the arguments of reason have been tried and exhausted, ought not to be hastily used in a community of States bound together by a confederated Government. The last argument of kings ought not to be the first among associated republics. The tribunal of public opinion should be resorted to. In a free Government it is almost as omnipotent over communities as over individuals. None can despise it. Coupled with a judicial decision, the umpirage of public opinion will be as binding as the decision of arms. In this case the laws have already been appealed to, and the committee most earnestly recommend a reliance upon their efficacy, and upon that instinctive sagacity of public opinion, which rarely fails to discover and to sustain the just side of every great question."

I give to these constitutional views my entire approbation, and can but regret that the distinguished authors of the report are now ranged on the opposite side, when it is proposed to clothe President Jackson with the precise power which they so learnedly and forcibly deprecated. But South Carolina is not Georgia, and President Jackson is not President Adams! In this, I presume, sir, will be found the true solution of the enigma.

Governor Troup, than whom no man has maintained a more uniform and consistent political career; than whom a more pure and enlightened patriot has never adorned the councils of the country; and who, I rejoice to say, is now, as he was while Governor of Georgia, the sincere friend of State rights and constitutional liberty, addressed a message to the Legislature of that State, an extract from which I submit, containing reflections well worthy the attention of honorable Senators in their deliberations on the pending question:

Extract from Governor Troup's Message, Nov. 6, 1827.

"But other rights and interests than those of Georgia are concerned. The doctrine assumed in justification of the menace involves the rights of all the States; it asserts the broad powers of the Executive, the General Government, in any controversy between a State and the United States, to decide the right and wrong of that controversy promptly, absolutely, and finally, without appeal; and to enforce such decision by the sword. A power most awful, tremendous, and unnatural, and not given by the constitution even to Congress. In such a contest Georgia could make no sacrifices too dear, because she contended in a just and righteous cause, not for herself alone, but for all the States, whose honor, dignity, and independence, were alike at stake. Happily for the country, the enforcement of this measure has not been as yet attempted. Whether, on consideration, it has been yielded to more deliberate suggestions and more prudent counsels, or decided as wholly indefensible, and therefore impracticable, or reserved for some other and future occasion, is not known to me, and can only be conjectured; it is reasonable, at least charitable, to conclude that what in this respect ought to be done has been done; and wisdom and moderation can find no amends for the calamities of a civil war in the transfer from Georgia to the Indians of a comparatively worthless fraction of territory, which, but for the principle involved, this Government would not deign to make a subject of angry contention with that of the United States."

But, sir, what shall I say of the course of the honorable Senator from Georgia, [Mr. FORSYTH,] who is the advocate of this bill? When his own State, acting on her reserved rights as a sovereign member of the Union, nullified the laws and treaties of the United States, which the Legislature considered inconsistent with those rights; when she was threatened with the strong arm of military power to reduce her to obedience, (not so rudely, certainly, as South Carolina has been by the present incumbent of the executive chair,) the honorable gentleman took fire at the indignity and insult offered to Georgia, and, with his usual eloquence, painted in glowing colors the deleterious results which must flow from so great an outrage on State sovereignty. I hope the honorable Senator will pardon me for adopting a part of his able argument on that occasion as a part of my own.

Extract from Mr. Forsyth's speech on the use of force against a sovereign State.

"No judge was called on, no magistrate sought, to command the services of the marshals, sheriffs, or any other civil officer; but a direct appeal was made to force, in the most odious of its forms—military force; a portion of the standing army, of the hired soldiery, were the instruments ordered to be used against a State law, a military force previously carried to the scene of action with the design of preserving peace among the Indians! I ask by what authority the President employed this military force, in a time of profound peace, against one of the confederacy?"

"Whence did the President derive this tremendous power? Did he get it by law? Did he possess it by the constitution? If he did, let it be shown. It is but a short time since, that, on a dispute with South Carolina on the subject of a law of that State prohibiting persons of color from coming into it in foreign vessels, the President, after taking the opinion of the Attorney General, applied to the State to repeal the law, as inconsistent with the obligations of the United States, under the treaty with Great Britain. What was the result? The Legislature vindicated the act, and it still stands on their statute book, in force, and to be enforced, whenever it shall be necessary. Will it be pretended that the President has authority to execute the treaty with Great Britain, by sending a major general, with a portion of the standing army, to Charleston or Beaufort, to rescue from confinement persons who may be in custody under that State law? Would it be endured? Yet, sir, he has done precisely the same thing in Georgia. He has interposed military force to the State law. The bayonets of the United States have been flashed in the eyes of the State authorities, within its own jurisdiction. And for what mighty purpose?"

South Carolina had prohibited persons of color from coming into her ports in foreign vessels, which was deemed a violation of existing treaties with foreign nations. The State was applied to, in a respectful manner, by President Monroe, to repeal the act; she refused to do so, in consequence of the view which her Legislature entertained of the peculiar local condition of the State. That was a plain case of State interposition against the operation of the supreme law of the United States within her limits; another revolution! Let us hear the honorable Senator on that subject: "Will it be pretended that the President has authority to execute the treaty with Great Britain, by sending a major general, with a portion of the standing army, to Charleston or Beaufort, to rescue from confinement persons who may be in custody under that State law? Would it be endured? Yet, sir, he has done precisely the same thing in Georgia. He has interposed military force to the State law." Thus the honorable Senator reasoned when Georgia was concerned. I ask, what principle would prevent the President from sending a major general, and a portion of the standing army, to Charleston, to execute the supreme law of the land, in opposition to a law of the State, which would not equally apply to the sending a major general, with the army and a part of the navy, into the same port, to execute an unconstitutional act of Congress, imposing duties for the protection of domestic manufactures, against a primary law of the State, arresting the operation of the act within her limits? Can it be an outrage "not to be endured," to send a military force into Georgia, to enforce the laws and treaties of the United States against a law of that State, and yet be right to assert the "majesty of the laws" at the point of the bayonet in South Carolina, under circumstances precisely similar? I cannot do less than express some surprise to find the honorable Senator the friend of a measure which he so earnestly condemned in his arguments to which I have adverted. I understand the honorable Senator to maintain, that a protecting tariff is unconstitutional, and therefore void. This bill is intended to make war on South Carolina, to give effect to that which is void in itself; and we find the honorable Senator ranged among its friends! I have read, sir, with great pleasure and satisfaction, a very able speech of the honorable Senator from Tennessee, for whom I feel all the respect which is so justly due to his elevated character and talents, in which he vindicates the right of a sovereign State to interpose and arrest the operation of an unconstitutional act of Congress within her limits. I now find the honorable Senator supporting, with all his great ability, a measure to subdue a State which has so interposed, under the influence, perhaps, in some degree, of his own advice! I cannot exactly comprehend the ground on which these two honorable Senators stand in this debate. The Senator from Tennessee denounces the tariff in the most unqualified terms, as unnecessary, unjust, and oppressive; the Senator from Georgia has given a pledge, yet unredeemed, that he will "die in the last ditch" in opposition to this iniquitous, unjust, and oppressive system; but yet both these Senators may compare advantageously with the stoutest champion of the American system in their support of this bill, which has no other object than the enforcement, by military power, of that system for which they profess so much detestation! I think, sir, the situation of the two honorable Senators may be well described in a single stanza which I have at hand:

"I hate the tariff with all my heart,
And in its support will take no part;
But when Old Hickory calls for the army and navy,
He shall have what he wants, or I'll go to Old Davy."

Honorable Senators who support this bill attempt to console us by the assurance that there is no danger of an indiscreet use of the powers which it vests in the Chief Magistrate; that he was never known to abuse power, in the course of a long life of public service. Now, sir, I frankly own that my opposition to the bill is strengthened by the conviction that the individual now at the head of the Government is not a safe trustee of the extraordinary powers which it confers on him. His passions and prejudices, with honest intentions, too frequently lead him into the most extravagant errors; and we know that, his ground once taken, he is not apt to reason about the consequences: his course is onward to the death; he seldom pauses, and never recedes. I have no confidence that military power in his hand, with victims in his eye, will be discreetly exercised. I have an instinctive dread of mischief, when the bad passions of the human heart are combined with power to gratify their purposes of revenge. I need not remind the Senate of historical facts connected with the biography of President Jackson, which more than justify the remarks which I have made concerning him. I can take no pleasure in a retrospect which might imply a censure on my own judgment, having been one among his most zealous supporters, when his path to the present high elevation which he occupies was overcast by clouds and darkness. I acted on the honest convictions of my mind, and, if I have any thing to regret, it is for my country, not myself. But have we not sufficient warnings in the scenes which are passing before our eyes? To punish crime is the incumbent duty of every civil magistrate; but there is a point at which public justice is satisfied, and at which the divine attribute of mercy interposes to soothe the unfortunate victim of the law. The only prayer that God has given to his creature man, bids us to say, "Forgive us our trespasses, as we forgive those who trespass against us." Sir, at the commencement of this administration, a bureau officer,* in the Department of the Navy, was found to be a defaulter to the public treasury in some five or six thousand dollars; he was prosecuted, convicted, and imprisoned. He has remained in close confinement for nearly four years, breathing an impure atmosphere, and separated from all the soft endearments of an amiable wife and their lovely offspring. I mean not to defend the act for which he has suffered such unusual punishment, nor to palliate the offence by a reference to the numerous examples of others in like cases offending, but more fortunate in the result. He had appropriated the public funds to his private use, and overrated his means of restoring them. In this I do not hold him guiltless; but,

> "Where the oak that sometimes is not blast?
> Or, where the sun by clouds not overcast?"

The purest and best of men are not exempt from misfortune or the frailties of human nature, and are sometimes led into errors which inflict a wound on their happiness through life. But this unhappy individual, after all his sufferings, so long endured in a loathsome prison, from the grated windows of which he could look on the spot where peace and domestic felicity once smiled on him, was brought before that high tribunal of justice which sits in another part of this building. His case was maturely considered, and he was regularly discharged. But the cup of Executive vengeance was not yet full; the unfortunate man was permitted to breathe the free air, and to receive the embraces of his fond children, only for a few short moments, before the unrelenting hand of vindictive power again plunged him into the cell from which he had been released by the highest judicial tribunal in the country. No one can believe that the officer who prosecutes in behalf of the Government, in this District, would have been guilty of this wanton act of judicial persecution, without a full knowledge that it would be approved by his master. For the public good, the act was unnecessary; for private revenge, it would seem that four years of imprisonment might have sufficed to soften a heart as indurate as marble. I ask, if the power of war and peace can be safely intrusted to any one, whose turbulent passions cannot yield to the benign influence of humanity?

Sir, if the Union of these States be in danger, it cannot be saved by concentrating exorbitant discretionary powers in any one department of the Government; and especially that which in all Governments is the most dangerous to liberty. The symptoms of *plethora* in the rush for power and patronage in this Government, portend dissolution; a result which can only be avoided by the depletion of State interposition. Let the new readings of the constitution, with which we have been astounded in this debate, drawn from the Executive proclamation and message, be firmly fixed in the public mind, humble the "proud sovereignty of the States," and erect on its ruins a Government without limitation, capable of executing its own will by the sword; and liberty cannot long endure under the accumulation of causes which must tend to its destruction. With the corrupting influence of patronage, power is purchased by those who dispense it; and by the same means it may be perpetuated in the same hands. We are gravely told that the Legislature of a State may express an opinion that a law of Congress is unconstitutional, and there it must stop until the moral influence of that opinion shall produce the wonderful effect of reformation. A State may petition and remonstrate, and implore other States to unite in its supplications! Sir, the mayor and corporation of Liverpool may express an opinion that an act of Parliament is contrary to the constitution of the realm; they may petition the throne for a redress of grievances, and request other corporations to unite with them. Will honorable gentlemen yield nothing more to a sovereign State of the confederacy than may be claimed as a matter of right by the corporation of Liverpool, under the regal Government of England? The miserable slave who receives the lash of an inexorable master may petition and remonstrate, and implore others to unite with him! Is this poor privilege, which is common to all mankind, under any form of government known in the civilized world, all that the States reserved by an express article of the constitution, when they set up this Government for their own benefit and convenience? Sir, the idea is shocking to the feelings of a free people; it is a monstrous absurdity, and cannot be endured. I fall behind no man in my devotion to the Union, unless he is prepared to place it above the liberties of the country; and, so help me God, I would rather trust this Union to the umpirage of South Carolina, much as she has been abused on this floor, than to any State, or body of men whatever, who are ready and willing to "sell their birthright for a mess of pottage."

Mr. President: It was not my intention to have said any thing on the subject of a tariff for the protection of domestic manufactures. I do not think it ought properly to have been introduced into this debate. But, as several honorable Senators have delivered their opinions on that branch of national policy, I will briefly express my own in relation to it. I do not intend to take a mercantile view of the operations of the existing tariff; I freely confess that I feel myself incompetent to the task. I am no merchant, and cannot therefore discuss the question by a calculation of dollars and cents. I differ from some of my friends in estimating the actual injury which, as a cotton planter, I sustain by the effects of the system. On this part of the subject, however, I am conscious that I do not possess accurate information.

> "He who is robbed, not wanting what is stolen,
> Let him not know it, he's not robbed at all."

It is this blessed ignorance which renders indirect taxation tolerable, when the same amount, taken from the pockets of the people by direct taxes, would produce a revolution in good earnest; not one of those imaginary revolutions which have given so much uneasiness to the honorable Senator from Massachusetts, [MR. WEBSTER.] I deny the power of this Government to regulate labor by bounties, monopolies, or penal enactments; such a power is incompatible with human liberty, and is exercised only in despotic or arbitrary Governments. Of this character, I consider the power claimed to levy imposts for the protection of domestic manufactures. A despot regulates the industry of his subjects by proclamation, and they are bound to obey. We have not yet reached that point, but the same end is accomplished by legislative inducements. We tax one description of labor, and grant bounties to another description of labor, and leave the people to choose between the tax and the bounty! This is wholly inconsistent with the principles of free government, and contrary to the spirit of the constitution of the United States, which secures to all an equality of burdens and benefits. The power of taxation, in any form, is in its nature despotic; it is yielded only on the ground of absolute necessity. By what authority does an officer enter the dwelling of a citizen, and, without the intervention of a court or jury, sequestrate a part of his estate, and put the proceeds into the public treasury? The right is derived from the consent of those who form the social compact. The members of the State, or community, individually receive from the Government and laws protection of life, liberty, and property; the virtuous are protected against the injustice of the vicious; the weak are protected from the depredations of the strong. In consideration of these securities, the power of taxation is given by common consent, and is limited to its only legitimate object, the necessary wants of the Government. Each individual is bound to contribute his just proportion of the expenditures incurred in the enactment and execution of the laws. Whenever this high power is exercised for any other object, the Government assumes the character of unmixed despotism. No people can be free where the power of unlimited taxation is claimed and exercised. The constitution has been formed in vain, if such a gigantic power belongs to this Government. The most unbridled despot would be harmless, if disrobed of the power to tax his subjects; and with such a power, without limitation, a Government, free in all its forms and features in every other respect, would be in fact despotic. If the power of direct taxation, which is expressly granted in the constitution, be used for any other purpose than the necessary expenditures of the Government, it would amount to a violation of the spirit of the constitution, resulting from the abuse of the granted power.

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* Tobias Watkins.

Sir, I have trespassed already too long on the patience of the Senate, and will, therefore, forbear to enlarge further on these topics, which open a wide field of interesting matter for the consideration of an American statesman. The power to levy imposts on foreign importations was not intended to be used for the purposes to which it has been applied. Protection to domestic manufactures is the result of duties imposed for revenue, and is not a substantive power granted in the constitution. If honorable gentlemen think otherwise, I challenge them to pass a law for the express purpose of protecting any branch of domestic industry; let it speak a plain, honest, and intelligible language, which will enable the Supreme Court of the United States to decide the question, and I, for one, will abide by its decision. But I take it on myself to say they will not, that they dare not, pass such an act. I quote the opinion of Mr. Hamilton, whose able report on domestic manufactures has been so often referred to, and in most of which I fully concur, to show that an extension of the revenue was considered by him the proper limitation on the power to tax articles of consumption. I beg leave to give the concise view which he has taken of that subject, in his own words:

"It is a signal advantage of taxes on articles of consumption, that they contain in their own nature a security against excess. They prescribe their own limits, which cannot be exceeded without defeating the end proposed; that is, an extension of the revenue. When applied to this object, the saying is as just as it is witty, that, 'in political arithmetic, two and two do not always make four.' If duties are too high, they lessen the consumption, the collection is eluded, and the product to the treasury is not so great as when they are confined within proper and moderate bounds.

"This forms a complete barrier against any material oppression of the citizens by taxes of this class, and is itself a natural limitation of the power of imposing them."

The whole argument may be compressed into a very narrow compass; the power to levy duties on foreign importations is expressly granted; it was intended to produce a revenue, to pay the debts and provide for the common defence and general welfare of the United States. Every duty so imposed for these enumerated objects is, to the extent of it, a protection to the domestic manufacturer of the same article; but every protection is not necessarily a duty for revenue. The conclusion is unavoidable: whenever we arrive at the point where revenue ceases, and protection forms the only object of our legislation, we are exercising a substantive power not to be found in the constitution. I will detain the Senate no longer on this question, incidentally touched in this debate, but will hasten to the close of my arguments. Sir, I am not the enemy of domestic manufactures; I would not, if it were in my power, disturb that interest by any rash or precipitate measure. I wish to see it flourish and prosper, but not at the expense of agriculture and commerce, which are so intimately connected, that the one cannot exist to any great extent without the aid of the other. But I admonish honorable gentlemen who represent the manufacturing States on this floor, that it is not by means of military power, such as is provided for in this bill, that the system is to be preserved. March an army into South Carolina, if one can be embodied in such a cause, and from that moment the manufacturing interest of the Eastern and Northern States may date its downfall. Deprived of the Southern market, they could not survive a single year. Sir, where there is no "goose to pick," we shall not, I presume, quarrel about the feathers. Modify the tariff, as proposed by the honorable Senator from Kentucky, [Mr. Clay;] preserve the manufacturing interests from sudden depression; render but half justice to the brave and generous people of the South; and tranquillity will be restored to the country.

Mr. P. then adverted to the remarks of Mr. Webster in relation to the speech of Mr. Calhoun, delivered in the House of Representatives in 1816, on the tariff act of that year. Sir, (said he,) I regret that the honorable Senator has opened the door to an examination of the opinions ascribed to my friend from South Carolina, on the subject of a tariff for the protection of domestic manufactures; but, as he has thought proper to do so, he will pardon me, I hope, if I look into his own political parlor on this subject, and see if the furniture has not undergone some change long subsequent to the year 1816. The act to which the honorable Senator refers was passed under peculiar circumstances. We had just emerged out of a war with Great Britain; manufactures had sprung up during that war; we had incurred an enormous debt, of one hundred and thirty millions of dollars; to meet the payment of which required the revenue to be placed at the highest practicable point. The course of the Senator from South Carolina was dictated by these considerations; and if liberality to the manufacturers was one of them, they ought to be the last men in the world to complain of it. Sir, it is not my province to pronounce the eulogy of the honorable Senator from South Carolina, but I think it due to candor to say, that no man has been more injured by unjust imputations and unfounded calumnies than that honorable gentleman. Prior to and during the late war, he ably and manfully defended the rights, the honor, and independence of his country; and in every high public station which he has subsequently filled, he has maintained the elevated character which he then acquired, as an enlightened statesman, a patriot, and an honest man. Posterity will do him that justice which has been denied by the demagogues and political aspirants of the present day.

Mr. P. then adverted to the speech of Mr. Webster delivered at Faneuil Hall, in opposition to a protecting tariff, and to the speech of the same Senator in the House of Representatives, on the tariff of 1824. He then proceeded to make a few remarks, the tendency of which was to show that at those periods the honorable Senator from Massachusetts held the constitutionality of a protecting tariff to be at least extremely doubtful, and altogether inexpedient. Sir, (he continued,) since the year 1824, the opinions of the honorable Senator seem to have undergone a total change on these great questions; and all I mean to say is, that if there be times and seasons when a statesman may put down one set of political opinions and take up others, the honorable gentleman has enjoyed his full share of that privilege.

The Senator from Massachusetts has, in strong language, denounced the State of South Carolina, and along with it the entire South, who have, with one voice, pronounced the system of protection to domestic manufactures to be unjust and unconstitutional. He considers resistance, in any form, to this favorite measure, in no other light than as revolution, treason, or rebellion against the Government of the United States, calling for signal punishment by means of the strong arm of military power.

He has told us that the supremacy of the law must be vindicated, and supported, be it just or unjust. In such a cause, the honorable Senator has promised to stand in the foremost ranks, and stretch forth his arm to defend the constitution and the laws against every assault which may be made on them; and if, in a contest to maintain their supremacy, he should fall a victim to his enthusiastic patriotism, his expiring words to his surviving countrymen would be, "rescue, rescue, rescue."

The honorable gentleman cannot expect that language like this should pass without animadversion. Sir, I come from that abused section of the confederacy; and it becomes my imperious duty to defend it against the unmerited reproaches which have been cast on it with such unbridled freedom by the honorable Senator. Where stood Carolina in the recent arduous struggle with Great Britain—a war which, like that of the revolution, had its origin in Faneuil Hall, and was prosecuted exclusively for the protection of our commerce on the high seas? Where stood the whole South in those days which tried men's souls, and called forth all the energies and patriotism of the American people?

Sir, they were at the post of danger whenever it was to be found, fighting to maintain the honor and independence of their country, freely contributing to the public burdens, and sharing in the common dangers and hardships of their countrymen, in a cause where they had nothing to gain but the proud distinction which a free people ever accord to the defenders of liberty. These facts are recorded in the pages of history, and cannot be denied or perverted.

Where stood that honorable Senator and his constituents on the same memorable occasion, when the hostile fleets and armies of a foreign enemy enveloped the whole coast, and even occupied the soil of the State of which he is now a representative on this floor? When the standard of the enemy waved over the territory of Massachusetts, and her authorities were defied and contemned; when all that ought to be dear to the patriot's heart was staked on the issue of the conflict; was the honorable Senator found in the foremost ranks of his country's defenders, and did he then exclaim, in sad despair, "rescue, rescue, rescue?" No, sir. In that arduous but glorious contest with the most powerful nation in Europe, we defended the honor of our flag, and gained among the nations of the earth a name of imperishable renown. We did not "scramble" for plunder and bounties; and the voice of the Senator was not heard to animate his countrymen to the rescue. The arms of his invaded country had no charms for him, nor was he to be found in the front or rear rank of the patriotic few who breasted the storm in that hour of national peril. No, sir, there was then no need of rescue, and the gentleman's patriotism became torpid and lifeless, amidst the hostile array and desolation of the invaders.

If, sir, there is any want of decorum, or any apparent departure from the courtesy of debate, in this review of the past history of our country, I claim to be exempt from all responsibility for its introduction on this floor. The honorable Senator has put forth all his powers in popular denunciations of Southern men and Southern principles; and if, in our own defence, the ear of the gentleman should be offended by words once familiar to him, he cannot complain when we send him a Roland for his Oliver.

[Here Mr. POINDEXTER read the proceedings of a meeting held in Massachusetts, in September, 1814; the speech of Mr. WEBSTER in the House of Representatives; and quoted the votes of the Senator, refusing supplies to carry on the war.]

Foreign war, actual invasion, the national honor and independence, staked on the issue of physical force; and yet the Senator refused his assent to the necessary appropriations for carrying on the war, and taunted the constituted authorities, to whom the prosecution of the war had been confided, with the failure of our arms, while he, by his votes, denied them the means of more effectual operations, and a more vigorous resistance to the common enemy.

Did the rebels of South Carolina encourage the hopes of our adversary? Did they pass resolves to treat with commanders of British armed vessels cruising in our waters for pecuniary advantages? Did they repose in apathy, and suffer the armies of a foreign nation to tread the soil of America, without an effort to expel them? No, sir. They met with manly firmness the ruthless invader; shed their blood and expended their treasure in the common cause. Now, sir, the patriotism of the honorable Senator has risen to its climax; he finds the people of one State resisting what they deem to be oppressive and usurped legislation on the part of this Government; he finds those people in a fearful minority; he refuses to listen to their complaints; and, to reduce them to obedience to unjust taxation, he calls aloud for vengeance and the law.

Where resistance is comparatively feeble, the danger cannot be great; and with such an assurance the honorable gentleman boldly comes forth the champion of the "majesty of the law;" and where the blows are hardest, and the bullets fly thickest, there will he be found, in the foremost ranks, in a war with those whom he has contributed to ruin and oppress. For the glory of such chivalry, sir, I am no candidate.

The Senator from Massachusetts ranges himself on the side of power. I take my stand with those who seek to limit power within its defined boundaries. He supports the supremacy of the laws; I defend the rights of the people. And, sir, I say in conclusion, that when liberty is assailed by the combined forces of avarice and ambition, I will be found in the foremost ranks of her votaries; and, if vanquished by the strong arm of arbitrary power, and the brighest hopes of freedom which God has ever permitted his creature man to enjoy shall be annihilated and extinguished forever, my last words to my countrymen who survive the conflict shall be—"Resistance to tyrants is obedience to God!"

[Mr. P. continued his remarks until half-past 6 o'clock, (with the exception of the recess,) when, complaining of fatigue, a motion was made to adjourn, and carried by the casting vote of the President. The entire speech is given above.]

NOTES TO MR. POINDEXTER'S SPEECH.

A.

Virginia Debates, p. 66.

Mr. Henry said: "The honorable gentleman who presides [Judge Pendleton] told us that, to prevent abuses in our Government, we will assemble in convention, recall our delegated powers, and punish our servants for abusing the trust reposed in them. Oh, sir, we should have fine times, indeed, if to punish tyrants it were only sufficient to assemble the people! Your arms, with which you could defend yourselves, are gone; and you have no longer an aristocratical, no longer a democratical spirit. Did you ever read of any revolution in any nation, brought about by the punishment of those in power, inflicted by those who had no power at all? You read of a riot act in a country which is called one of the freest in the world, where a few neighbors cannot assemble without the risk of being shot by a hired soldiery, the engines of despotism. We may see such an act in America."

Again: "The honorable gentleman, [Mr. Madison,] in endeavoring to answer the question, why the militia were to be called forth to execute the laws, said that the civil power would probably do it. He is driven to say that the civil power may do it instead of the militia. Sir, the military power ought not to interpose till the civil power refuse. If this be the spirit of your new constitution, that the laws are to be enforced by military coercion, we may easily divine the happy consequences which will result from it. The civil power is not to be employed at all. If it be, show me it. I read it attentively, and could see nothing to warrant the belief that the civil power can be called for. I would be glad to see the power that authorizes Congress to do so. The sheriff will be aided by military force. The most wanton excesses may be committed under color of this. For every man in office in the States is to take an oath to support it in all its operations. The honorable gentleman said, in answer to the objection, that the militia might be marched from New Hampshire to Georgia; that the members of the Government would not attempt to excite the indignation of the people. Here, again, we have the general unsatisfactory answer, that they will be virtuous, and that there is no danger. Will gentlemen be satisfied with an answer which admits of dangers and abuses, if they be wicked? Let us put it out of their power to do mischief. I am convinced there is no safety in the paper on the table as it stands now. I am sorry to have an occasion to pass a eulogium on the British Government, as gentlemen may object to it. But how natural it is, when comparing deformities to beauty, to be struck with the superiority of the British Government to that system."

B.

Extract from Luther Martin's exposé to the Legislature of Maryland.

"In answer to these declarations it was urged, that if, after having retained to the General Government the great powers already granted, and among those that of raising and keeping up regular troops without limitations, the power over the militia should be taken away from the States, and also given to the General Government, it ought to be considered as the last *coup de grace* to the State Governments; that it must be the most convincing proof that the advocates of this system design the destruction of the State Governments, and that no professions to the contrary ought to be trusted; and that every State in the Union ought to reject such a system with indignation, since, if the General Government should attempt to oppress and enslave them, they could not have any possible means of self-defence; because the proposed system, taking away from the States the right of organizing, arming, and disciplining the militia, the first attempt made by a State to put the militia in a situation to counteract the arbitrary measures of the General Government, would be construed into an act of rebellion or treason, and Congress would immediately march their troops into the State."

C.

Extracts from Mr. Hamilton's speech in the New York convention.

"It has been well observed, that to coerce the States is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single State. This being the case, can we suppose it wise to hazard a civil war? Suppose Massachusetts, or any large State, should refuse, and Congress should attempt to compel them, would they not have influence to procure assistance, especially from those States which are in the same situation as themselves. What picture does this idea present to our view? A complying State at war with a non-complying State; Congress marching the troops of one State into the bosom of another; this State collecting auxiliaries, and forming, perhaps, a majority against its federal head. Here is a nation at war with itself. Can any reasonable man be well disposed towards a Government which makes war and carnage the only means of supporting itself—a Government that can exist only by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a Government."

"The States can never lose their powers till the whole people of America are robbed of their liberties. These must go together; they must support each other, or meet one common fate."

"The States, as well as individuals, are bound by these laws; but the laws of Congress are restricted to a certain sphere, and when they depart from this sphere, they are no longer supreme or binding."

"In the first formation of government, by the association of individuals, every power of the community is delegated, because the Government is to extend to every possible object; nothing is reserved but the unalienable rights of mankind. But, when a number of these societies unite for certain purposes, the rule is different, and for the plainest reason: they have already delegated their sovereignty and their powers to their several Governments; and these cannot be recalled, and given to another, without an express act."

Extract from the Federalist, p. 70.

Mr. Hamilton: "There is one transcendant advantage belonging to the province of State Governments, which alone suffices to place the matter in a clear and satisfactory light: I mean the ordinary administration of criminal and civil justice. This, of all others, is the most powerful, most universal, and most attractive source of popular obedience and attachment. It is this which, being the immediate and visible guardian of life and property, having its benefits and its terrors in constant activity before the public eye, regulating all those personal interests and familiar concerns to which the sensibility of individuals is more immediately awake, contributes more than any other circumstance to impress upon the minds of the people affection, esteem, and reverence towards the Government. This great cement of society, which will diffuse itself through the channels of the particular Government, independent of all other causes of influence, would insure them so decided an empire over their respective citizens, as to render them, at all times, a complete counterpoise, and not unfrequently dangerous rivals to the power of the Union."

Extract from the Federalist, p. 116.

Mr. Hamilton: "It may safely be received as an axiom in our political system, that the State Governments will, in all possible contingencies, afford complete security against invasions of the public liberty by the national authority. Projects of usurpation cannot be marked under pretences so likely to escape the penetration of select bodies of men, as of the people at large. The Legislatures will have better means of information; they can discover the danger at a distance; and, possessing all the organs of civil power and the confidence of the people, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community. They can readily communicate with each other in different States, and unite their common forces for the protection of their common liberty."

D.

Extracts from Mr. Wilson's speech in the Pennsylvania convention.

"But in the constitution, the citizens of the United States appear dispensing a part of their original power in what manner and what proportion they think fit. They never part with the whole, and they retain the right of recalling what they part with. When, therefore, they possess, as I have already mentioned, the fee-simple of authority, why should they have recourse to the minute and subordinate remedies, which can be necessary only to those who pass the fee, and reserve only a rent-charge?"

"It has been mentioned, and attempts have been made to establish the position, that the adoption of this constitution will necessarily be followed by the annihilation of all the State Governments. If this was a necessary consequence, the objection would operate in my mind with exceeding great force. But, sir, I think the inference is rather unnatural, that a Government will produce the annihilation of others, upon the very existence of which its own existence depends."

"Does it appear, then, that provision for the continuance of the State Governments was neglected in framing this constitution? On the contrary, it was a favorite object in the convention to secure them.

"The President of the United States is to be chosen by electors appointed in the different States, in such manner as the Legislature shall direct. Unless there be Legislatures to appoint electors, the President cannot be chosen: the idea, therefore, of the existing Government of the States is presupposed in the very mode of constituting the legislative and executive departments of the General Government. The same principle will apply to the judicial department. The judges are to be nominated by the President, and appointed by him, with the advice and consent of the Senate. This shows that the judges cannot exist without the President and Senate. I have already shown that the President and Senate cannot exist without the existence of the State Legislatures. Have I misstated any thing? Is not the evidence indisputable that the State Governments will be preserved, or that the General Government must tumble amidst their ruins? It is true, indeed, sir, although it presupposes the existence of the State Governments, yet this constitution does not suppose them to be the sole power to be respected."

"I hope these observations on the nature and formation of this system are seen in their full force; many of them were so seen by some gentlemen of the late convention. After all this, could it have been expected that assertions, such as have been hazarded on this floor, would have been made, 'that it was the business of their deliberations to destroy the State Governments; that they employed four months to accomplish this object; and that such was their intention?' That honorable gentleman may be better qualified to judge of their intentions than themselves. I know my own, and, as to those of other members, I believe that they have been very improperly and unwarrantably represented. Intended to destroy! Where did he obtain his information? Let the tree be judged by its fruit."

"I will ask now, is the inference fairly drawn that the General Government was intended to swallow up the State Governments? Or was it calculated to answer such end? Or do its framers deserve such censure from honorable gentlemen? We find, on examining this paragraph, that it contains nothing more than the maxims of self-preservation, so abundantly secured by this constitution to the individual States. Several other objections have been mentioned; I will not, at this time, enter into a discussion of them, though I may hereafter take notice of such as have any show of weight; but I thought it necessary to offer, at this time, the observations I have made, because I consider this as an important subject, and think the objection would be a strong one if it was well founded."

"When I made the observation, that some politicians would say the supreme power was lodged in our State constitutions, I did not suspect that the honorable gentleman from Westmoreland [Mr. FINDLY] was included in that description; but I find myself disappointed: for I imagined his opposition would arise from another consideration. His position is, that the supreme power resides in the States as Governments; and mine is, that it resides in the people, as the foundation of government; that the people have not, that the people meant not, and that the people ought not, to part with it to any Government whatsoever. In their hands it remains secure; they can delegate it in such proportions, to such bodies, on such terms, and under such limitations, as they think proper. I agree with the members in opposition, that there cannot be two sovereign powers on the same subject."

"I consider the people of the United States as forming one great community; and I consider the people of the different States as forming communities again on a lesser scale. From this great division of the people into distinct communities, it will be found necessary that different proportions of legislative powers should be given to the Governments, according to the nature, number, and magnitude of their objects."

E.

Extract from the Federalist, p. 99.

Mr. Madison: "The State Governments may be regarded as constituent and essential parts of the Federal Government; whilst the latter is nowise essential to the operation or organization of the former. Without the intervention of the State Legislatures, the President of the United States cannot be elected at all; they must, in all cases, have a great share in his appointment; and will, perhaps, in most cases, of themselves determine it. The Senate will be elected absolutely and exclusively by the State Legislatures. Even the House of Representatives, though drawn immediately from the people, will be chosen very much under the influence of that class of men, whose influence over the people obtains for themselves an election into the State Legislatures. Thus each of the principal branches of the Federal Government will owe its existence, more or less, to the favor of the State Governments, and must consequently feel a dependence, which is much more likely to beget a disposition too obsequious than too overbearing towards them."

Extract from a speech delivered by Mr. Madison, in reply to Mr. Henry, in the Virginia convention.

"But it is urged, that its consolidated nature, joined to the power of direct taxation, will give it a tendency to destroy all subordinate authority; that its increasing influence will speedily enable it to absorb the State Governments. I cannot think this will be the case. If the General Government were wholly independent of the Governments of the particular States, then, indeed, usurpation might be expected to the fullest extent: but, sir, on whom does this General Government depend? It derives its authority from these Governments, and from the same sources from which their authority is derived. The members of the Federal Government are taken from the same men from whom those of the State Legislatures are taken. If we consider the mode in which the federal representatives will be chosen, we shall be convinced that the general will never destroy the individual Governments.

F.

Extracts from the President's message of the 16th January.

"If these measures cannot be defeated and overcome by the power conferred by the constitution on the Federal Government, the constitution must be considered as incompetent to its defence; the supremacy of the laws is at an end; and the rights and liberties of the citizens can no longer receive protection from the Government of the Union."

"The right of a people of a single State to absolve themselves at will, without the consent of the other States, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged."

"Nothing less than causes which would justify revolutionary remedy can absolve the people from this obligation; and for nothing less can the Government permit it to be done, without a violation of its own obligations, by which, under the compact, it is bound to the other States, and to every citizen of the United States."

"Upon the power of Congress, the *veto* of the Executive, and the authority of the Judiciary, which is to extend to all cases in law and equity arising under the constitution, and the laws of the United States made in pursuance thereof, are the obvious checks; and the sound action of public opinion, with the ultimate power of amendment, are the salutary and only limitations upon the powers of the whole."

"The law of a State cannot authorize the commission of a crime against the United States, or any other act which, according to the supreme law of the Union, would be otherwise unlawful. And it is equally clear that, if there be any case in which a State, as such, is affected by the law, beyond the scope of judicial power, the remedy consists in appeals to the people either to effect a change in the representation, or to procure relief by an amendment of the constitution. But the measures of the Government are to be recognised as valid, and, consequently, supreme, until these remedies shall have been effectually tried; and every attempt to subvert these measures, or to render the laws subordinate to State authority, and afterwards to resort to constitutional redress, is worse than evasive."

Wednesday, February 20.

SHEATHING COPPER.

Mr. SMITH moved to postpone the previous orders, for the purpose of taking up the act to amend the act to amend the several acts imposing duties on imports.

This act has reference to the duty on sheathing copper.

Mr. KNIGHT said he would inquire of the honorable Senator from Maryland, whether he intended this duty for revenue or for protection? He had stated that it was a mere revenue duty, but his argument was that several manufactories would be broken up without this protection. If it is for revenue only, we do not need it; but if for protection, I am in favor of it. I am in favor of discriminating duties, giving incidental protection to manufactures.

Mr. SMITH stated, that the English had taken measures to evade the payment of the duty, and the bill became necessary to counteract them.

Mr. CHAMBERS said, the bill was a bill for protection.

The bill was then ordered to be engrossed and read a third time.

REVENUE COLLECTION BILL.

The Senate then proceeded to consider the bill to provide further for the collection of the duties on imports.

The question being on the passage of the bill,

Mr. POINDEXTER resumed and concluded his remarks in opposition to the bill, (as given above.)

The Senate then took a recess. Having reassembled at 5 o'clock, P. M.

Mr. GRUNDY rose. He said that, in the shortest time practicable, he would endeavor to discharge that duty which had been assigned to him by the Judiciary Committee, which was to close this debate on their part, and rescue, if he could, this bill, its authors, and that department of the Government by which this measure had been recommended, from that unmerited and unmeasured injustice which had been inflicted upon them in the course of this discussion.

I am, said Mr. G., no advocate for despotism, civil war, or blood; on the contrary, it is because I abhor and dread these things, and love the peace, tranquillity, and safety of my country, that I support the bill upon your table. I am an advocate for the empire of the laws. While they govern, I know that American liberty is safe; when they fail of their effect, or in their execution, then follow anarchy, civil strife, and bloodshed, with despotism in their train.

Gentlemen who have argued against and condemned the provisions of the bill, have evaded the true question involved in this discussion; but they shall not be permitted to escape from it. It is not whether the tariff laws are unjust and oppressive. If that were the subject in controversy, I would unite my voice with theirs, in their denunciations against them. Nor is the question whether civil war be not among the greatest calamities which can befal this, or any other nation. This, none of the friends of this bill would controvert. The true question before the Senate is, shall the State of South Carolina be permitted to put down the revenue laws of the Union, prevent their execution within her limits, and no effort be made by this Government to maintain the majesty of the laws, and to counteract the measures adopted by that State to defeat and evade them? This is the true question, and to it shall my argument be mainly directed. I shall not attempt to deliver any metaphysical dissertation on the science of government, but will present a plain, practical view of the subject; and I think I can safely promise to prove, that, unless this bill, or something equivalent to it, shall pass, this whole Government is unstrung; that all its vigor and energy are gone; and that a bare majority of the people of one State out of the twenty-four will have succeeded in accomplishing a more daring enterprise than was ever undertaken in ancient or modern times, under similar circumstances. Sir, there is a boldness in this undertaking which commands the admiration of those whose judgments condemn it. If it be the will of the Senate that success shall attend the efforts of that State in rendering the laws ineffectual, be it so. I shall acquit myself of all responsibility for the consequences, by endeavoring to prevent it. Whether this bill proposes extravagant legislation, or not, depends entirely upon the measures adopted and pursued by that State, and which are intended to be counteracted. If their measures be strong, those adopted here to meet them must be of the same character, or they will be unavailing.

Let us now see what South Carolina has done, that we may judge what is proper on our part. By her ordinance it is declared that the tariff acts of 1828 and 1832 are null, void, and of no effect; and all promises, contracts, and obligations, entered into to secure the payment of duties, utterly void. This embraces bonds given before, as well as those given after, the adoption of the ordinance. Bonds for duties heretofore given for the payment of moneys necessary to discharge the public debt, and other demands upon the Government, are all included. This is a direct infraction of that provision of the federal constitution which forbids any State to pass a law impairing the obligation of contracts. The ordinance also forbids the enforcement of the tariff laws, either by the State or federal authorities, within the limits of South Carolina. It further directs the Legislature to pass all laws necessary to carry this ordinance into effect.

Had nothing more been done, no action on the part of this Government would have been required. The Judiciary of the State, and of the United States, would have been left at liberty to decide upon the effect of the acts of Congress, and of this fundamental law of South Carolina, as her Senators choose to denominate the ordinance. So soon as it was adopted, the Legislature of that State was in session, and the acts passed of which I will now speak, and against the effects of which this bill is intended to provide.

The first is the replevin act. This is a law of force; its certain effect is to produce collision by arms, between the federal and State authorities, unless the officers of the United States shall wholly disregard their duty, and submit to the authorities of South Carolina. This act authorizes the owner or consignee, when the goods are in the hands of the collector, and before the duties are paid or secured, to sue out the writ of replevin, "and the whole proceedings upon it shall be as in other cases of replevin, according to the laws and usages of the State," &c.

Whoever penned this act was well skilled in all the learning of the ancient law upon this subject; in the execution of this writ, force can be employed; the officer can call out the *posse comitatus;* armed men can be called in to aid in its execution; doors may be broken open; fortresses and strong fortified places may be reduced and demolished to their very foundations. It is not pretended that the common laws and ancient statutes upon this subject have been changed by the State of South Carolina, or that they are not in force in that State. It is therefore material to a right understanding of the true character of this proceeding, by writ of replevin, that we ascertain, by writ, what kind of force can be employed in its execution. To show this, I will read an extract from the law of distress and replevin, by Lord Baron Gilbert, pages 78 and 79. It is as follows: "If the distress be drawn into a house, castle, or other stronghold, the sheriff or his bailiff, after demand made for the deliverance of the distress, may break open the house or castle to replevy them. This seems to be the common law; for, though a man's house is privileged by common law for himself, his family, and his own goods, so that the sheriff cannot break it open to attach any of them at the suit of a private person, yet a man's house could not privilege or protect the goods of another person, unjustly taken, so as to prevent the officer to make replevin, because the privilege and security of a man's house could protect his own goods. This practice, however, of driving distresses into strongholds, was so frequent in the barons' wars, and the poorer sort suffered so much from the men of power, that the statute of West, 1, c. 17, expressly gives this power to the sheriff or his officer to break the house, to make delivery of the cattle, whether the replevin be by plaint or writ: this, as is said, must be after demand made, and notice given to the lord to suffer them to be replevied. And to deter the person distraining from refusing or neglecting to deliver the distress, the statute further directs that the castle or stronghold shall be razed and thrown down." Suppose a vessel arrives at Charleston with a cargo subject to duties, and the collector, in discharge of his duty, takes possession of the goods, to secure the duties; a writ of replevin is issued out, and placed in the hands of the sheriff; he demands the goods of the collector, who refuses to surrender them; a single blast of the bugle can bring the two thousand city guards who have been raised under another act passed by the Legislature of South Carolina, to carry the ordinance into effect; the custom-house is broken open, and the goods removed uner this forcible proceeding, provided by the State of South Carolina; your collector has no means of preventing this, and the property is wrested from him, although the laws of the United States require him to retain the possession until the payment of the duties is secured. According to the views of those who oppose the passage of the bill, all this is peaceful, although force be used by the officers of the State; but the moment the friends of the bill say this proceeding is wrong, and this force thus improperly employed should be resisted in preservation of the laws, gentlemen exclaim, you are making war! If the State provides a measure of force to put down the laws, are we making war if we provide similar means to defend and sustain them? If no force be used against the execution of the laws of the United States, none will or can be employed to enforce them under this bill. The force contemplated is strictly defensive, never to be used except to repel force actually engaged in opposition to the laws of the Union. Should the collector succeed in securing the goods, and preventing the sheriff from getting possession of them, a *capias in withernam* is directed to be issued, by which double the amount of the collector's property is taken; and the same forcible means are to be employed in the execution of this writ. Further, should the marshal or collector obtain possession of the goods in either case, under an order or process from the federal courts, they are to be recaptured by the use and application of the like force as is provided for the execution of the writs of replevin and *capias in withernam.*

In all these preliminary steps, force, armed force, is authorized by the State of South Carolina. The object of which is to secure the possession of the property in the State officer, in order that the State courts alone may take cognizance of the matters in controversy. In this state of things, the parties are to go into the State courts of South Carolina, to litigate their rights. The very act of resorting to a court of justice ordinarily conveys to the mind the idea that a fair, impartial, and unprejudiced hearing is to take place; that the cause is first to be heard, then decided; not decided, and then heard; that the law and facts of the case are to be fully examined, a judgment formed, and then pronounced. But when one of these cases comes on for trial, the judge has been sworn specially to decide the great point in the cause against one of the parties; every juror is sworn in like manner. These are revolutionary tribunals, not courts of justice; and the very men who are complaining of injustice and oppression are practising them with a higher hand than has ever been witnessed in any country which boasted of free and republican institutions. Men who have been ornaments to the bench of justice in South Carolina, men who have distinguished themselves in this and the other House of Congress, men who have conducted with skill and ability our foreign diplomatic intercourse, are disfranchised by this tyrannical ordinance; and such men as Cheves, Smith, Huger, Middleton, and Poinsett, are disqualified to serve their State even as common jurors. Sir, call you this liberty, and the enjoyment of equal rights? A case is decided against the officer of the United States, and he prays an appeal to the Federal Supreme Court. This, by the law of South Carolina, is declared to be a contempt of the honorable court of that State, and your officer is fined and imprisoned for asking for a constitutional and legal right; well, he gets out of prison after the expiration of the time for which he has been sentenced, and applies to the clerk of the State court for a copy of the record, to enable him to sue his writ of error; the law of South Carolina denounces fine and imprisonment against the clerk if he shall furnish a copy of the record. According to this course of proceeding, the officer of the United States is not only deprived of all the means of correcting the errors which have been committed by the State courts, but is denied the privilege of knowing himself, and exposing to the view of his country, the injustice and oppression which have been practised upon him. I certainly did not speak too strongly when I said, a few days since, that South Carolina had legislated the General Government out of that State.

The question now fairly presents itself: shall nothing be done to reinstate the laws, and give them effect in that State? Those who are willing that the whole revenue system shall cease, and cease in this way, may well object to the adoption of this or any other efficient measure upon this subject. I trust, however, there are but few who are willing to see this state of things, and therefore it is material that the remedy proposed by the committee, to meet and counteract this new and unprecedented legislation of a State, should be fairly examined and understood; for we--I mean the Judiciary Committee—will be satisfied with the smallest modicum of federal power which shall secure a certain execution of the laws. The bill proposes neither to declare nor make war upon South Carolina; its provisions are essentially pacific, intended and calculated to prevent, not to produce violence. The President of the United States has laid the whole subject before Congress, and asks us to devise a remedy by which the evils threatened by that State may be avoided, and suggests the propriety of authorizing him to remove the custom-houses to places of safety, in the event that it should be found that the laws would be obstructed by the employment of adverse force, which would render their execution impracticable. The committee were of opinion that this recommendation of the President was prudent, discreet, and well becoming the Chief Magistrate of this nation. This, surely, is not making war; this is not exercising any harshness towards the citizens of South Carolina; it is getting out of the way, it is stepping aside until the fury of the times shall pass by. If the custom-house remains in Charleston, Beaufort, or Georgetown, either the officers of the General Government cannot be protected, or violence will ensue. This is surrendering the whole of the main land to the authorities of South Carolina, and transacting the business of the General Government upon the islands or upon the ocean. Is this making war? So far from it, it is the most pacific course that could be presented; it is retreating from threatened violence; and this is done upon the recommendation of him who never retreated to secure his own personal safety.

Should the first section of the bill be adopted, no force can be used under it, unless the State officers shall attempt by force to take the goods from the collector at the place to which the custom-house may be removed; and if such attempt shall be made at Castle Pinckney, to which place it is understood the President removed the custom-house prior to the 1st February, under the authority of existing laws, or any other place to which the custom-houses may be removed under the provisions of the first section of this bill, is there a Senator here who would say the goods should be surrendered without resistance? I should have hoped and believed that none such could be found, had I not heard this discussion. I know that some men are of opinion that this provision is yielding too much to the hostile appearances and threats of South Carolina. This would be so, were she a foreign nation; but, in a controversy with a portion of the same political family, the stronger may well yield something to the weaker; there is true magnanimity in strength yielding to weakness, rather than proceed to violence; nor can this idea be carried too far, unless an absolute surrender of the rights of the stronger party shall be required. In the case now existing, I am willing to concede to South Carolina as much bravery and chivalry of spirit as her proudest sons can claim; and still it is madness, perfect madness, to think of making war with the United States. Her physical strength does not amount, numerically, to one twenty-fourth part of that of the United States; and that strength, comparatively small as it is, is nearly equally divided between parties at home; and, in addition to this, is rendered much weaker by the character and condition of a portion of the population.

I have shown the only case in which force can be applied under the first section of the bill. Let us now examine in what cases it can be used under the fifth section of the bill, which is the only remaining one which contemplates the employment of military force. The provision is, that whenever the President of the United States shall be officially informed, by a circuit or district judge, that the laws cannot be executed by reason of the employment of an armed or military force, or other means too powerful to be resisted by the marshal with the ordinary means in his power, the President shall then issue his proclamation; and, in case it shall be ineffectual, he may use force to execute the laws. It will be remarked, that the only case in which force is authorized by this section presupposes an opposition by an armed force, or of other means too powerful to be resisted by the civil powers of the United States. The authority conferred by this section is confined strictly to repelling force by force, in the execution of the laws. The idea of employing military force, as contemplated by this bill, is not new. The necessity of its occasional employment was felt by the framers of the constitution; it was known to them that the stability and even the existence of the Government might depend upon it. Power was, therefore, given by the constitution to Congress, to provide for calling forth the militia to execute the laws, to suppress insurrections, and repel invasions; nor has Congress permitted the power thus conferred by the constitution to remain dormant. It has frequently exercised it, when circumstances have occurred which demanded it. The act of 1795, which is the standing law of the country, authorizes the President to employ the military force of the country as amply as he can do it under the provisions of this bill. Still it was proper that he should consult the representatives of the people and of the States, when a case novel in its appearance, new and imposing in some of its characteristic features, presented itself. It will be recollected that, in 1807, the famous embargo law passed, which operated with peculiar severity upon the New England States; it gave universal discontent in that quarter; it was pronounced unconstitutional and void in town meetings and legislative assemblies; resistance to it was threatened; and it was anticipated that the Eastern States, or some of them at least, would interpose their authority to prevent its execution. To meet and counteract these meditated infractions of the embargo laws, Mr. Jefferson, then at the head of the Government, recommended, and the Congress passed, an act entitled "An act to enforce and make more effectual an act laying an embargo on all ships and vessels in the ports and harbors of the United States, and the several acts supplementary thereto." This act was approved on the 9th January, 1809; the eleventh section is as follows:

"SECTION 11. *And be it further enacted,* That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States or of the Territories thereof, as may be judged necessary, in conformity with the provisions of this and other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody, any ship or vessel, or of taking into custody and guarding any specie or articles of domestic growth, produce, or manufacture; and also for the purpose of preventing and suppressing any armed or riotous assembly of persons resisting the custom-house officers in the exercise of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same."

This act of Congress of which I have read a part, passed in what the Southern gentlemen are pleased to call the best days of the republic; and it was passed, too, by a unanimous Southern vote in both Houses of Congress, and was sanctioned by that great republican statesman, Mr. Jefferson, who has justly been styled the apostle of civil liberty. The Judiciary Committee have copied and inserted in their bill these military provisions which I have read, and they are now denounced as clothing the Executive with despotic powers. But, in 1809, the predecessors of these same gentlemen considered them as perfectly consistent with democratic principles, and indispensable to save the republic from ruin. For my part, I can see no difference, except that the act of 1809 was designed to operate upon the Eastern section of the Union, which then threatened to annul and set aside the embargo laws, and the bill upon your table is intended to operate upon South Carolina, which now threatens to annul and set aside the revenue laws of the country. The New England representation in Congress then opposed the enforcement of the embargo laws; South Carolina assisted to enforce them; Carolina now opposes the execution of the revenue laws, and I am happy to see that the Senators from New England are aiding us to enforce their execution. At that period, no voice from the South was heard denouncing the enforcement of the embargo laws as tyrannical and despotic; but now, when the same measure is dealt out to them which they dealt out to others under the same circumstances, they apply the epithets of Boston port bill, Botany Bay bill, war bill, and other appellations of a like kind. Gentlemen seem to forget that our citizens are a reading and intelligent people, and will not be misled by sounds; that they will look into this bill, and will examine and judge for themselves.

I will now proceed to another subject, which is closely connected with the bill under consideration; I mean the proclamation lately issued by the President of the United States. To that instrument great injustice has been done in this debate. The President sets out with the view to establish two great conclusions: first, that the State of South Carolina has no right to annul the revenue laws; second, that no State has a constitutional right to secede from the Union. Is he wrong in either? Except the South Carolina Senators, not one of the gentlemen who have uttered such denunciations against it have ventured to make an argument to prove that the President has erred in his conclusions, although they take great exception to the arguments and reasoning by which he arrives at them. If his friends concur in the object and purpose of the proclamation, I do not think it should be matter of serious complaint that he has not argued precisely in the same way that they might have done. Time will not permit me to go into a critical examination of the doctrines contained or advanced in that paper; but justice requires that I should make this remark, that if that instrument be construed as in all fairness it should be, and the expressions used be applied to the subject-matter upon which the President is speaking or writing, none of these ultra federal doctrines would be found in it of which gentlemen complain. The proclamation, however, is before the public, and justice has been and will be done to it by that tribunal, whatever may be said of it in this body.

I will, in a few words, present to the Senate my own views of the history and theory of the constitution of the United States. I consider it the work or production of the people of the States, acting as separate and distinct communities, and not the production of either the State Governments, or of the whole people of the United States, acting *en masse*, or as a nation. The latter idea, if adopted and acted upon, would tend to consolidate the Government, prostrate the States, and make this a Government of unlimited powers.

The correctness of the idea that the constitution shall be considered and treated as having been formed by the people in the different States, acting separately and distinctly, is proved by the following considerations.

In its formation, each State, upon every article in it, and upon every question which arose in the convention, had one vote. The voice of Delaware was as strong as that of Virginia, Pennsylvania, New York, or Massachusetts; it was ratified by each State for itself, and the people of no State were bound by it until they had ratified it for themselves. When amendments of the constitution are proposed by Congress, they are to be adopted not by the number of people who may be in favor of them, but by the number of States. So, in calling a convention to amend it, it depends on the number of States that concur in making the call, and not on the number of people who demand it. When a new convention shall meet to amend the constitution, that body will vote by States, without regard to the difference of population in the respective States. It is, however, a matter of much more importance to settle what the constitution is, than how or by whom it was formed, or is to be amended. It is admitted to be binding on all the States and all the people, having been assented to and ratified by all. My opinion is, that it is not a league, nor is it a mere compact, according to the meaning which gentlemen have affixed to that term in their arguments; I consider it as a frame of government, and that the Government thus constructed is wholly independent of the State Governments. The States were originally sovereign and independent, in every respect. The articles of confederation were only binding upon them as sovereign States; no means of coercion existed in the old Congress, either against the States or their citizens. Congress had no power to enforce its enactments upon the States, nor could it operate directly upon the citizens of the States. A failure on the part of a State to comply with the requisitions made by Congress had no remedy except that which exists among sovereign States—a resort to force. It was discovered, from every day's experience, that this weak and inefficient confederacy would not answer the great objects desired and anxiously wished for by every enlightened patriot. Hence the necessity of a change, and the call of the convention of 1787. Did that wise body of men, brought together on account of the weakness and imbecility of their Government, and to provide a remedy for them, make an instrument still weaker or more inefficient? This cannot be believed, unless we find it in the instrument itself. No, sir; they formed a Government capable of self-preservation, and bestowed upon it powers sufficient to sustain itself and perform all its constitutional duties and functions, without relying on the States. The evil which was felt under the confederation was, that the State Governments had to be consulted, and the movements of the General Government depended upon the will and pleasure of the different States, which could at any time defeat the effect of the enactments of Congress, by refusing to comply with the requirements of that body. The reliance on the States, in practice, had entirely failed; and one great object, in the formation of the constitution, was to enable the General Government to pass by the State Governments, and act directly upon the citizens; and this single important circumstance changed that which was before a league or mere compact into a Government, a substantial and efficient Government. The convention, looking to the great interests of the country, bestowed on the new Government which they were forming a power over such subjects as in its judgment were of general concern, and for the transaction or management of which the States separately were incompetent. The true view of our political institutions is this: the sovereignty is in the people; and they, acting in separate communities, have created two Governments. To those who may be appointed to administer this Government, in its various departments, they have said: To you we confide the great and general subjects in which we, as a united people, are interested—war and peace; foreign intercourse with all nations; coinage of money, and regulating its value; commerce, foreign and domestic; imposition of duties on imports, &c. On these subjects you are to operate and act out our sovereignty; nor are the State Governments to touch or interfere with these subjects. To the State Governments the people have said, in like manner: Upon all other subjects, not prohibited by the State constitutions, you are to act as the sovereign power. Hence my conclusion is, that we owe a double allegiance—one to the General Government, and one to the State in which we respectively live. We owe obedience and allegiance to the General Government in all things committed to its charge by the constitution; to the State Governments, in all other things. No citizen will ever be embarrassed, if the two Governments will confine themselves within their constitutional limits. But suppose they so act as to render obedience to both impracticable; what then? If the law passed by the General Government be constitutional, that law of the State which enjoins disobedience to it is an encroachment on the federal power, is itself an act of usurpation, and, of course, not binding on the citizen. Take the case which may arise out of the existing controversy: can a citizen of South Carolina, with impunity, resist the existing tariff laws? This will, in my judgment, depend entirely upon the constitutionality or unconstitutionality of these laws. I admit that disobedience to an unconstitutional act is not criminal, nor is resistance to it treason; but if Congress possess the power, under the constitution, to pass these acts, the State of South Carolina has no power to release her citizens from their obedience to them; her whole proceedings, in judicial language, are *coram non judice*, and void, and can afford no protection to the citizens of that State for their disobedience and resistance to these acts of Congress. To my mind, it is strange that gentlemen should have imagined that a State had a right to interpose, in any form or manner, in a case of this kind; and that interposition be considered constitutional, and not revolutionary. The power of laying imposts is, by the constitution, confided exclusively to Congress, and the States are forbidden to exercise it. I would, therefore, inquire of gentlemen in what part of that instrument they find this authority which they claim for the States? If they say that it is among the reserved rights of the States, my answer is, that a right wholly surrendered cannot be considered as reserved; and that, when the State is forbidden to act upon any general subject, it could not have been intended that they should have the power of controlling those to whom the subject was intrusted. If gentlemen will place their argument upon the natural and unalienable right of every people to resist oppression, come from what quarter it may, I am ready to admit that that right exists, and was at the very foundation of the American revolution. American liberty and our republican institutions have their origin in it, and grew out of its exercise. In the latter case, the people resisting their Government do it at their peril; and so it must be in the case supposed as likely to occur; because the State, having no constitutional authority to act, cannot shield the citizen from the effects of his resistance to the laws; nor can the State absolve him from his allegiance to this Government. Although I cannot admit that the Federal Judiciary is the final arbiter between the General and State Governments, upon a question of disputed power, yet I have never doubted that such questions, when presented incidentally in the progress of a trial between parties properly before the court, might be decided by the court, and the decision would be binding upon the individuals concerned. It therefore seems to me that it is entirely competent for the Federal Judiciary to try and punish any individual who may resist the execution of the laws, provided that the court shall be of opinion that they are constitutional, and obligatory upon the citizens. I have never felt the force of the arguments which have been employed to prove their unconstitutionality. The power to lay imposts is conferred on Congress, without restriction or limitation. It may be, and has been, in my judgment, abused in this instance; but this by no means proves them unconstitutional. There is a manifest difference between the excessive action of Congress upon a subject which, by the constitution, is subjected to its legislation, and its action upon a subject not placed under its control by the constitution. In the first instance, the act is obligatory; in the latter, it possesses no binding force; it being a usurpation of undelegated power. In regard to the tariff laws, Congress had the right to exercise its discretion and judgment. It has done so, and has decided very improperly, as I believe. Still I can see no remedy except through the medium of Congressional enactments. Upon this whole subject, which at present so much agitates the country, the conclusions to which my mind has arrived are—

1st. That Congress had the constitutional power to pass the tariff laws, but has exercised that power injudiciously and oppressively.

2d. That the State of South Carolina possesses no constitutional right or power to obstruct the execution of these laws.

3d. That the Federal Judiciary is competent to decide whether these laws are valid or not, upon the trial of any individual who may disobey or resist them; and that the ordinance and laws of South Carolina will afford the citizen thus tried no shield or protection whatever.

I was much gratified when I heard an allusion made to the debate on Foot's resolution, as it furnishes me an opportunity of correcting an error, which exists, not here, but elsewhere, in relation to my sentiments as delivered on that occasion. It will be recollected that the discussion which attracted so much public attention, at that time, arose between a Senator from Massachusetts, [Mr. Webster,] now in his seat, and a Senator from South Carolina, [Mr. Hayne,] not now a member of this body. The former contended, as I then understood him, that, in all questions of political power between the Federal and State Governments, the former was the ultimate judge of the extent of its own powers. In this opinion, I could not concur. I thought, and still think, that, in controversies for power between two parties, if one of them is to be the final arbiter, the other will, in time, be stripped of all its powers; and believing then, as I now do, that the States in convention constituted the proper, ultimate, constitutional tribunal, I made an argument against the doctrines advocated by the Senator from Massachusetts. The Senator from South Carolina insisted that the Legislature of a State possessed the power to annul an act of Congress which it deemed unconstitutional. From him I also differed in sentiment; and entertaining the opinion that had been expressed by Mr. Jefferson, that a convention in the State was a safer body to act in a controversy with the General Government than a State Legislature; and understanding at the time that a convention, according to the South Carolina constitution, could not be called without the concurrence of two-thirds of the members of the Assembly, which could not, in all probability, be procured, I reprobated the idea of the Legislature acting on such subjects, and suggested the idea of a convention. This was done, not only because a convention would be a better deliberative body, but with a view to interpose obstacles in the way of the progress of nullification. And, sir, I have been so unfortunate, that my efforts to prevent nullification have brought upon me the charge of participating in it. Here, I know, I was not so understood; elsewhere, an effort has been made to make an impression that I was favorable to this doctrine.

When, in that debate, I used the expression, "that the acts of Congress must cease to operate in the State, and Congress must acquiesce by abandoning," &c., a fair and liberal interpretation would have been, not that the acts of the State in convention, declaring the laws void, would first annul them, but it would impose on Congress so strong a moral obligation, as to induce it to abandon the exercise of the power, or obtain a new grant of power. So, when I spoke of force, the meaning was that Congress should interpose its authority, and direct the Executive not to proceed in the execution of the laws until the controversy was settled.

I will detain the Senate no longer upon a topic in which no Senator but myself has any interest or feeling. If a man is the best interpreter of his own meaning, I claim to be understood according to the explanation I have given. All liberal-minded men will so understand me. From the illiberal, I ask no indulgence. I must be indulged, however, in one additional remark. I was pleased to see the Union men of South Carolina, shortly after I delivered my speech on Foot's resolution, seize the idea that it was necessary to act by convention; and they pressed the nullifiers so strongly with it, that they held them in check for two years, and the latter at last only prevailed in the Legislature by a single vote for calling a convention. I am not vain enough to believe that any thing said by me produced the effect I have mentioned; but certain it is that they so acted, and thereby retarded and postponed this process of nullification for two years at least, and were well nigh defeating it altogether.

I wish to make a few remarks on the subject of secession, which is claimed for the States by some gentlemen as a constitutional right. If this right exists, I am ready to declare, that all the high and exalted expectations and hopes which I have entertained of the value and permanency of this Government and this Union are visionary and unsubstantial. From the political history of the country, my mind had come to the conclusion that one of the objects of the constitution was to deprive the States of this right. By the articles of the old confederation, the States had agreed and stipulated that the Union should be perpetual. The very title of the articles is, "Articles of confederation and perpetual union." The conclusion of them declares, "that the articles thereof shall be inviolably observed by the States, respectively, and the Union shall be perpetual."

So far as a league or mere compact could bind and have effect, a perpetual Union was secured under the confederation. Still there was a deficiency; the will of the States had been substituted for a Government. Hence the necessity for a change; and therefore the convention constructed a Government, and clothed it with the powers necessary to attain the great objects in view, and, to that extent, deprived the States of their pre-existing powers and sovereignty. When the people in their State conventions ratified this constitution, they withdrew or subtracted so much sovereign power from the State Governments, and transferred to and vested it in the General Government. The people, under the constitution, exercise their sovereign power, through the agency of this Government, upon all subjects committed to it, in the same way, and to the same extent, that they exercise their sovereignty through the State Governments upon all other subjects. That it was not intended by the framers of the federal constitution that the States should retain their entire sovereignty, is manifest from the language of the letter, which was adopted unanimously by the convention, and transmitted, with the constitution, to the old Congress. The language is: "It is obviously impracticable, in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest." From this it appears that the convention well knew that the instrument they had formed deprived the States of a portion of their sovereignty, and argument is employed to reconcile the States to the surrender.

In the same letter there is the following: "In all deliberations on this subject we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union, in which are involved our property, felicity, safety, perhaps our national existence." Now, if secession be a constitutional right, what has been gained by the adoption of the constitution towards consolidating the Union? Nothing—yes, less than nothing. Under the confederation, had a State seceded, it would have been a breach of its plighted faith and solemn engagements, and would have been just cause of war; but, according to the doctrine now contended for, a State can, at her sovereign will and pleasure, as a matter of right, without giving offence, or cause of war, abandon and go out of the Union, and break up the whole Government. I have never supposed, for a moment, that this right existed; but, on the contrary, that one great object, in the formation of this Government, was to deprive the States of this right, and to have a General Government clothed with powers sufficient to prevent it, should such an attempt be made by any one or more States.

Gentlemen seem unwilling to take a full view of the altered state of things produced by the adoption of the constitution. Rights were acquired, as well as surrendered, upon the formation of this Government; the people of each State surrendered a portion of their sovereignty and pre-existing rights, and acquired the advantages appertaining to a union of all the people and all the States. The wisdom and physical strength of the whole country are united, for the purpose of defending the rights of any particular member of the Union which may be invaded. In all our external relations the States are a portion of a great nation and Government. Our respect abroad, and security at home, depend upon the rights acquired and secured by the federal constitution. Every State and citizen of the United States has an interest in the honor and glory achieved by the sons of Carolina in that war by which we obtained our liberty, and in that war which was waged to secure it; and the federal constitution confers on the other States a right to demand all the courage and chivalry of that State in any future emergency, in a conflict with a foreign Power. I need not dwell on the consequences of this doctrine of secession--the evils are too apparent and appalling to every mind. Wars between the States will immediately ensue; causes of irritation will spring up, which nothing but a superintending General Government can prevent. The States will contract alliances with different foreign Powers, and we shall be brought to fight battles, not for liberty and independence, as heretofore, but on account of the quarrels of other Powers on which we may respectively be dependent. We shall cease to be a great nation; and nothing will be seen but fragments of this once mighty empire, fit only to be gathered up, and used by the pirates of power. Sir, I do not vote for this measure because it has been asked for, and is to be used by a Chief Magistrate in whom I have confidence. I would act in the same way were the Government in the hands of others not of my choice. I support it because I believe it to be the duty of Congress to place the necessary means in the hands of him who is made responsible by the constitution for the execution of the laws. It has been said, that this is novel and unprecedented legislation. Not so; the laws to enforce the embargo were as strong, and contained similar provisions, except that clause in the first section of this bill which authorizes the General Government to retire from the land to the water, for the purpose of avoiding collision with the authorities of South Carolina. The Senator [MR. MILLER, of South Carolina] has said that South Carolina adopted her constitution in the year 1790, after the formation of the federal constitution; and if any thing be contained in the State constitution inconsistent with the federal constitution, the last expression of the will of the people must prevail, and it will be obligatory upon the citizens of that State. I understand the true principle to be precisely the other way. The people of that State, and all others, have agreed, and so expressed themselves in the federal constitution, that it shall not be so. It is there declared, that "the constitution, and the laws of the United States made in pursuance of it, shall be the supreme law of the land; and the judges of every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding."

From this provision in the constitution it is apparent, that any act of a convention or Legislature of a State, which conflicts with the constitution or laws of the United States, passed in pursuance of the constitution, is utterly void, and of no effect. The same Senator has urged that sovereignty is indivisible; and, therefore, the entire allegiance of the citizens of South Carolina is due to that State. His error lies in the application of his principle: in this country, the sovereignty is in the people; and I am willing to grant that it is indivisible, but it does not follow that its exercise cannot be parcelled out between different agents or Governments. The other Senator from South Carolina [MR. CALHOUN] has stated, that the high expectations which had been formed by the Southern portion of the United States, previous to the present Chief Magistrate's coming into power, have been disappointed. It will do injustice to no one, to examine whether this allegation be well founded; and I will venture to say, if there be any portion of this Union whose political principles have been acted upon more than others, it is the South. One great subject of complaint from that quarter was the large apprehended expenditure of public money for internal improvements. This source of expenditure has been dried up by the President's veto upon the Maysville road bill, and other subjects of internal improvements of the like kind. The people of the Southern States are generally opposed to the rechartering of the Bank of the United States. The President, at the hazard of every thing that relates to himself, has placed himself in opposition to this institution, whose power could have crushed any other man in the nation. The Indian tribes in the southwest were a great inconvenience and annoyance to that portion of the Union: they have been nearly all removed to the west of the Mississippi, in consequence of treaties made by this administration. The great evil of which the South complained, was the oppressive and unjust tariff of 1828. The President has, upon all proper occasions, recommended its reduction to the wants of the Government; has used, and is at this time using, all his influence for that purpose. Further, he has, by closing up the avenues of expenditure, produced the necessity of a speedy reduction. Do these things furnish any evidence that the South has been disappointed, or has any just cause of complaint? On the contrary, do they not afford abundant proof that the Chief Magistrate has not been inattentive to the just claims of that section of the country? It is true, he has not confined his regards to them alone. Wherever the same reasons existed in any other section of the United States, he has acted in the same manner towards them. He has not only removed the Indians from the southwest, but likewise from the northwest. He has shown equal assiduity and attention to other interests. He has obtained more indemnities from foreign nations, for injuries committed upon the commerce of the citizens of the United States, than has ever been effected under any former administration. Whether this be owing to superior political skill, or superior good fortune, we need not inquire. One thing is certain; many citizens to the north and east have been greatly benefited by the results which have attended our foreign negotiations. The Senator from South Carolina [MR. CALHOUN] admits, that that State has legislated the General Government out of its limits, and he now complains that we wish to apply force. The answer is very obvious; the laws of South Carolina authorize the use of force, to prevent the execution of the laws of the United States; therefore, Congress must authorize force to defend the laws, or submit to the dictation of that State. It is avowed on this floor, by her Senators, that, if this bill passes, South Carolina will employ military force to carry into effect her ordinance and laws. I have never doubted that South Carolina was settled in her purpose upon this subject. Her citizens are in an error—a gross error; but when men have made up their minds, and have resolved on their purpose, they do not go back to inquire into the propriety of the determination at which they have arrived; with them, the time for reasoning has passed by; they have decided on action, and will not now stop to calculate the consequences. Look at her military preparations; arms and all the munitions of war are purchased; volunteers, to the number of twelve thousand, are authorized by law; orders for the purchase of provisions have been issued; volunteers are daily tendering their services; the commanding general has procured a supply of sugar, for the purpose of trying the force and effect of their writ of replevin. These things cannot be mistaken. These are not blustering men—they are brave, and will fight; and my only wish is, that the Government shall be prepared with the necessary means to prevent a prostration of the laws; and surely gentlemen ought not to object to this, unless they have made up their minds that one State shall control the whole Union.

It has been intimated by the Senator from South Carolina [MR. CALHOUN] who sits on my right, that the Chief Magistrate seems desirous to make war on the men, women, and children of South Carolina. Nothing is more unfounded. We have called for all the orders which have been issued to the military and naval officers stationed near Charleston. They have been laid before us. A spirit of peace and forbearance breathes through the whole of them; all offensive movements and conduct are strictly forbidden; all collision to be avoided, unless in the single case of an attempt, by an armed force, to seize the public property, or to take dutiable goods out of the possession of the collector before the duties are secured. The President could not say or do less, unless he wholly disregarded his high constitutional duty; the imperative language of which is, that "he shall take care that the laws be faithfully executed." There can be no misunderstanding upon this subject; no violence can occur unless commenced by the State of South Carolina; and should such madness prevail on her part, it ought to be, and will be, firmly met by the Executive Departments of this Government; and I should consider Congress as essentially failing in its duty, were it to withhold the necessary means. I regret extremely that time will not permit me to reply at large to what has been said by the Senator from Mississippi, [MR. POINDEXTER.] A few of his remarks, however, must be attended to. He says that the act of 1795 only authorizes the militia to be called out when the President shall be notified of the necessity of doing so, by the Governor of a State. This is the provision of the first section, which applies to cases of insurrection; but the second section of that act gives more power to the Executive of the United States, in cases of obstruction to the laws, than this bill confers. I will read it to the Senate:

"Sec. 2. *And be it further enacted,* That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations and to cause the laws to be duly executed; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress."

Under this provision, the President is not to be notified or called on by the Governor of a State; and in the case before us, it would be absurd to make such a provision, when the Executive of South Carolina is the military head and leader of the opposition to the laws. It is said, nothing of an offensive character has been done by the State of South Carolina. It is true they have not laid violent hands upon the collector, or the property in his possession; but they have promised, in the most solemn manner, that they will do so, and they are preparing their 12,000 men to effect their purpose. I am constrained to believe they are in earnest; it would be an insult to them to say that all they have done is mere boasting. I am, therefore, in favor of preparing to meet them defensively, in the strongest attitude they can assume. The argument of Mr. Alexander Hamilton, in the New York convention, is relied on to sustain the opposition to this bill. He argued against the old, and in favor of the new Government, because war under the confederation would ensue between the General and State Governments; and to avoid this, a Government, capable of passing by the State Legislatures, and acting directly upon the citizens, should be preferred. This was an enlightened view of the federal constitution. The two Governments were designed to act independently of each other. This was for the purpose of avoiding collision; but South Carolina, in the present instance, has not confined her action to the sphere assigned her by the constitution, but has stepped beyond her constitutional limits, and has, with a bold hand, seized upon the powers of the General Government. If civil war ensues, it grows out of her aggression, not from any thing done by this Government, or any department of it. The opinion of Mr. Wilson, in the Pennsylvania convention, has been referred to. I admit that his opinions are high authority; and I rely on them for the purpose of showing that the opinions I have heretofore expressed are correct.

He says, “that the supreme power resides in the people, as the fountain of Government; that the people have not, that the people meant not, that the people ought not, to part with it to any Government whatsoever. In their hands it remains secure; they can delegate it in such proportions, to such bodies, on such terms, and under such limitations, as they think proper. I agree that there cannot be two sovereign powers on the same subject.

“I consider the people of the United States as forming one great community, and I consider the people of the different States as forming communities again, on a lesser scale; from this great division of the people into distinct communities, it will be found necessary that different proportions of legislative powers should be given to the Governments, according to the nature, number, and magnitude of their objects.

“Unless the people are considered in these two views, we shall never be able to understand the principle on which this system was constructed. I view the States as made for the people as well as by them, and not the people as made for the States. The people, therefore, have a right, whilst enjoying the undenied powers of society, to form either a General Government or State Governments, in what manner they please, or to accommodate them to one another, and, by this means, preserve them all.”

The principles here laid down present the Federal and State Governments, and the relations which each citizen bears to them respectively, in their true light. In reference to general subjects, committed by the constitution to the General Government, the people of the United States are one community or nation, and each citizen owes allegiance to the General Government to that extent; for all other purposes, the allegiance of each citizen is due to the State in which he lives.

In the Olmstead case, the State of Pennsylvania interposed its authority to protect the heirs of Rittenhouse from an execution, issued from the federal court; by order of the Governor, the militia were called out under the command of General Bright; and they, by force, prevented the marshal from executing the process. The commanding general, however, and others who assisted him, were afterwards indicted, convicted, and sentenced to undergo fine and imprisonment. In this decision the State of Pennsylvania acquiesced. From this I infer that the State authorities can furnish no protection to the citizen in his resistance to the laws of the Union. I am admonished by the late hour of the night, as well as by the exhaustion of my own strength, that it is time to bring my remarks to a close. I cannot, however, take my seat without saying a few words upon another subject, intimately connected with the one under discussion; I mean the tariff laws, which have given rise to that unpleasant condition in which our country is placed. Some object to our acting upon that subject, at the present session, on account of the threatening attitude assumed by South Carolina; with me, this objection weighs very little. Her errors, however great, (and great they certainly are,) will not justify me in doing wrong. This bill, if passed, it seems to me, should remove that difficulty from every mind; by it, we shall have vindicated the laws of the Union, and have met her legislation with effectual countervailing acts on the part of this Government. If this will not still satisfy gentlemen, and they insist on retaining the tariff laws in all their present oppressive forms, the blood which may be shed shall be upon other skirts, not mine.

When the blood of my countrymen is flowing, when widows and orphans are making, in this unnatural conflict, I desire to be able to raise up pure and undefiled hands before my God and my country, and say, if my counsels had prevailed, this had not been so. Sir, so solicitous am I to see the present difficulties fairly adjusted, that, upon my return to the bosom of my constituents, if I could only say “We have prevailed; justice has triumphed; the Union is safe; peace, good will, and brotherly love, reign throughout the land;” I would not exchange that luxury of feeling, that rich repast of the heart, which it would afford, for the victor's or conqueror's laurelled wreath.

After Mr. G. had concluded his remarks,

Mr. EWING obtained the floor, and proceeded to address the Senate in support of the bill. He said it was with great reluctance that he rose at this late hour of the night, and at so late a period of this protracted debate, to consume yet a little more of the time of the Senate; but he felt that he should not have discharged his whole duty to the State which he in part represented, if he gave a silent vote on this bill.

The subject, said Mr. E., is one of overwhelming interest. The measure proposed is, to us, an unusual one; and the posture of affairs calling for this measure is wholly without example in the annals of our country. My own situation, and that of many gentlemen with whom I act, is new and difficult. We feel ourselves compelled, by the exigency of the times, to strengthen the arm of our Executive Chief Magistrate, who, in our judgment, has used the power which he already possesses with no sparing hand; nay, the constant tendency of whose measures has been to draw to, and concentrate in himself, all the powers distributed by the constitution among the coordinate branches of the Government. Nothing but a strong sense of duty could have induced me to grant to this Chief Magistrate the power which he has asked of us, and which this bill, if it become a law, confers.

Gentlemen do not exactly agree in their opinion of the attitude assumed by the State of South Carolina; some consider her as in a state of open war with the Union; others soften and palliate her acts, into a mere effort of ingenuity between learned counsel which shall plead each other out of court. But I cannot take the declarations of gentlemen on this subject, while the official acts of the State authorities are before me. Her ordinances and her laws are subjects of construction, not of explanation;

and I, for one, must take them as I find them, not as gentlemen may suppose they were designed to be.

South Carolina, by an ordinance impressed with all the imposing forms and solemnities of a fundamental law, has thrown herself in direct conflict with a law of the Union—a law admitted on all hands to be, in its avowed purpose, not only constitutional, but essential to the very existence of the Government. This law, however, is declared to be, as respects one aim and purpose of its enactment, in violation of the spirit of the constitution; and this is the ground on which that State opposes and assumes to abrogate it. The constitutionality of the law I have heretofore considered, and will not now stop to discuss it. My opinion on that subject is not shaken by any reasons which have been recently urged on this floor.

On the assumption that this law is a violation of the spirit of the constitution, South Carolina, by her ordinance, proceeds to nullify and destroy it; she requires all her citizens, on their allegiance to obey the ordinance and to resist and oppose the execution of this and other laws of the Union; and she requires that her judges, who are already sworn to support the constitution of the United States, shall, under pain of forfeiting their judicial stations, swear obedience to the ordinance without regard to its conflict with that constitution; their jurors, before they can sit on the trial of any cause, must likewise take an oath to support the ordinance. And further: in no case decided in the courts of that State, in which shall be drawn in question the authority of that ordinance, or the laws which it was intended to annul, do they permit any appeal to the courts of the United States; and if such appeal be attempted or taken, the courts of the State are required to proceed and enforce their judgment, and deal with the party taking such appeal as for a contempt of court. And if the General Government enforce her laws, or if she adopt any conceivable mode to evade the alternative of unqualified submission or resort to force, South Carolina declares herself no longer a member of the Union, and will forthwith proceed to organize a separate Government. Such is the substance of this ordinance; and so far as it is not sufficiently specific in its details to execute itself, it is carried out by laws enacted to give it effect.

It will be seen at once, that all reference to the Judiciary of the State of South Carolina is merely colorable; there is no reference to them in their judicial character. The judges are not permitted to decide between the ordinance of South Carolina and the constitution of the United States; but they are sworn to abide by and observe the ordinance where it conflicts with the constitution; and, having denied and declared criminal an appeal to the courts of the United States, the ordinance depends for its execution on mere ministerial or executive power. And as it is the rights and property of the United States, and the persons of the officers and servants of the United States, that are to be assailed, and seized or expelled from the territory of South Carolina by ministerial power merely, without the intervention of any judicial tribunal—that is to say, any tribunal which is permitted to deliberate and judge—the ordinance amounts in effect to a declaration of war; subject, however, to this condition: the war shall not actually be waged if the United States will, within a given day, repeal the obnoxious law, or withdraw her custom-houses and her collectors of the revenue from the territories of South Carolina.

Now, it seems to me that no mode is left to resist or repel this threatened hostility, except to oppose, or prepare to oppose, force by force; for submission is out of the question, unless that State has the right to cast off the laws of the Union at pleasure. The ordinance is based upon the assumption that she has that right. It is on this ground that she has planted herself, and on which she endeavors to make good her lodgement; and if that ground be not tenable, by her own admission, all that she has done is lawless aggression. The doctrine put forth is, that South Carolina, within her own limits, is sovereign; "that, as a sovereign State, she has the inherent power to do all those acts which, by the laws of nations, any prince or potentate may of right do;" and that she is bound to the General Government by no other ties than those which connect nations which have formed with each other an alliance offensive and defensive.

This doctrine is asserted in its broadest terms in the address to the people of South Carolina, framed by the convention; and they declare that it is "the only foundation on which they can safely erect the right of a State to protect its citizens;" by which is clearly to be understood the right to protect them against the laws of the United States and the judgments of its courts.

The question which is deemed vital to the argument is this: whether the Government of the United States is a league of States—an alliance merely; or whether it is a National Government, of which the States are a part, and to which they are subordinate? It were superfluous to say that I sustain the latter alternative.

The convention of South Carolina admits that the sources from which the ordinary powers of the General Government are drawn, are partly federative and partly national; and that as it respects the individuals on whom it operates, it is, for limited purposes, entirely national. But these striking characteristics, they say, are wholly unimportant, for it is the creating, not the controlling power, which gives character to Governments.

They say, too, that the States once having possessed the sovereignty, could not surrender it wholly to the General Government, for sovereignty is inalienable; that they could not surrender it in part, and retain it in part, for sovereignty is indivisible.

And hence they conclude, that though our constitution may seem to imply the reverse, yet owing to these properties of sovereignty, inalienability, and indivisibility, the States are still left in the full possession of all the powers and attributes which they possessed before the formation of the constitution; notwithstanding the attempt made in the formation of that constitution by the States and the people to transfer that sovereignty, in whole or in part, to the new General Government. I think I have succeeded in comprehending the argument, and have endeavored to state it fairly. And, sir, I deny every one of those positions which they have laid down as axioms, and which they do not seem to have even thought of proving, but which, on every principle of sound reasoning, they were bound to prove, before deducing from them such important consequences.

First: I deny that what they call the foundations of the confederacy, or the mode in which the constitution was framed and ratified, whether by the people of the States as States, or by the people of all the States in mass, does at all affect the powers of the General Government, or that it narrows or extends the reserved rights of the States; and, as a part of the same proposition, I deny that the fact of the States existing antecedent to the present constitution of the Union, gives them any more right or control over its acts, its powers, or its being, than they would have had if the whole system, States and nation, had all sprung into existence by a single effort of the will of the whole people.

It is an axiom on which all republican institutions rest, that the whole people, when assembled for that purpose, have a right to create a Government; to change, or modify, or dissolve an existing Government, at their pleasure; and that when the whole people cannot assemble for that purpose, the same may be effected by a convention of their delegates, chosen in their primary assemblies, convened pursuant to some regular expression of the general will; or, in other words, convened by a law enacted in pursuance of the existing Government. This is the peaceable right of revolution, or change of Government, pursuant to the will of the whole people, who are participators in that Government. But the proposition is put past all cavil if the ruling power of a State propose a change of Government to the people, and the people, regularly convened by the authority of that ruling power, adopt that change.

It is the opinion of Rousseau, who has thought profoundly upon this subject, that the very assembling of the people in convention does, *ipso facto*, suspend the delegated powers of Government; and that the functions of the rulers cease while they remain in convention. I read from 14th chapter of his third book on the Social Compact:

"No sooner are the people legally assembled in a sovereign body, than the jurisdiction of Government ceases; the executive power of the State is suspended, and the person of the meanest citizen becomes as sacred and inviolable as the greatest magistrate." I refer with the more confidence to this writer, as many of the doctrines of the address seem to be drawn from his works, or at least to coincide with them in tone and spirit.

If it be true, then, that the people have a right to assemble in convention, and, with or without the consent of their rulers, resume to themselves the sovereign power, and form, or change, or modify, or dissolve, their Government; and, more especially, if Government be suspended, or, for the time being, dissolved, by the assembling of the people in convention; it is clear that the form or character of the former Government, thus changed or dissolved, cannot control the powers or limit the existence of the new Government which thus arises out of its ashes.

In pursuing the argument, I will lay no stress upon the fact, which is, nevertheless, entitled to much weight, that from the moment the power of Great Britain over these States was cast off, they became a Union, and formed, in fact, one nation; partaking, it is true, in many things, of the character of a league, but never strictly so, since the first moment of their existence. But, waiving this, I rest the argument on the first general position. After the project of the present constitution of the United States had been settled upon in convention, the Legislature of the State of South Carolina referred it to the people of that State, called together in convention, by a resolution of that Legislature; which convention did, in the name and in behalf of the people of that State, adopt and ratify that constitution. Thus, the people of that State, assembled in convention, did change and modify their Government so as to place the sovereignty precisely where it is placed by that constitution.

But the recent convention of South Carolina say, that the people had not the power to do this, because sovereignty is inalienable; that, notwithstanding this attempt to transfer the sovereignty, it cannot be transferred; South Carolina is sovereign still.

Here is another proposition which I deny in the sense in which it is used by this convention. Writers on the law of nature and nations do contest the question, whether sovereignty be or be not alienable; but the contest is wholly in reference to the right of the individual who possesses the sovereign power over a people, to transfer that power without their consent. This, it will be seen at once, is a totally different question from the one under discussion. The right of a monarch to transfer the sovereignty over his people, would imply some power in that monarch paramount to the power and rights of the whole people; that they were his, and not he theirs; that they derive any rights which they possess from him, and not he his powers and rights from them. In short, it would be an admission of the divine right of Kings. On the other hand, the right of the people to transfer the sovereignty, at pleasure, implies the highest degree of freedom and power in their aggregated mass; and it seems to me impossible that those who admit that all the powers of Government are derived from, and centre ultimately in, the people; that those powers are but trust powers, held for the people, in pursuance of their expressed will; it seems to me impossible that they can admit these positions, and deny that the people have a right to transfer at pleasure the whole sovereignty, and place it where, and make it what they please. There is nothing in the nature of things which forbids it; nothing in the opinion of writers on natural or national law; nothing in the practice of nations. On the contrary, all tend to prove and confirm the right.

Suppose the case of two ships' crews cast away, or voluntarily planting themselves on an uninhabited island in the Pacific; let them, in this situation, each form their own government, and vest the sovereign power, each in the leader which they may choose; make him the king or patriarch of their band. Now, it is perfectly evident that one of those kings or patriarchs could not transfer his power, or, rather, the sovereignty which was vested in him, to the other, so as to make him the monarch of the two bands, without the consent of those from whom he derived that power. It is equally clear, that, with their consent, and by the united and concurrent act of the ruler and the ruled, this transfer of sovereignty could be made, and that the two communities could thus be blended into one, by a new social compact. Something like this I conceive to have been the origin of all considerable nations; and whether it be by compact, uniting many small tribes into one, or so uniting them by conquest, is wholly immaterial as to the present question. In either case, the sovereign power of the less, which is merged in the greater, by conquest or compact, is transferred to the greater; or when several co-equal States or tribes unite by compact to form one State, the whole sovereignty in each of those States or tribes is transferred to, and vested in, the whole State thus formed by their common union; and it would seem to me absurd to say that this could not be done: it would be the same thing as to deny, *in toto*, the whole power of union among men for their common safety; the power to unite families in a government, for the purposes of common justice and common protection. It would be to deny the right of revolution under any and all circumstances, either by common consent or the application of force, and it would leave nations and men forever, in all ages, subject to the same political and territorial connexion and subjection in which, at any one point of time, they may have first been cast. If sovereignty be not transferable, what has been the effect of our revolution? We were once a colony of Great Britain; South Carolina was once subject to the same Crown; and, in the very paper in which her convention avers that sovereignty cannot be transferred, they aver also that, by the revolution, the sovereignty of Great Britain over South Carolina was transferred to the people of that State, and that the State became a free, sovereign, and independent Power. It is true that this was done by force; but that which is done by force may also be done by compact; and, indeed, in the view of nations, the force which severed us had not effected its end, until it resulted in a compact of severance, which, alone, the law of nations holds permanently binding. If sovereignty cannot be transferred, or if it be inalienable, how is it that the Territories of Louisiana and Florida are acknowledged as a part of our Union? We acquired them by compact merely, without resort to force. The sovereignty over the soil and the inhabitants, which vested in European Powers, was alienated to the United States; and, if the doctrine of South Carolina be correct, that sovereignty is inalienable, that compact was clearly void; the power which we exercise over those Territories, has been, and is, a usurped power; and their citizens owe allegiance not to the United States, but to France and Spain. It seems to me, then, that the doctrine that sovereignty is inalienable, in the sense in which it is maintained by South Carolina, cannot bear examination. It is not true and sound political doctrine; it bears against the rights of the people and the general principles of free government; and it is unsupported by reason, and contradicted by the received opinions and practice of the world. But, certain it is, in my judgment, that no rulers can transfer their citizens or subjects without their concurrence and consent, express or implied; and, to make the transfer of sovereignty perfect and unquestionable, it requires the assent of the ruling constitutional powers of the State, and the assent of the people, assembled in convention, pursuant to the forms directed by their Government; and, both these concurring, the transfer may be perfect.

In the transfer of sovereignty from the State of South Carolina to the new Government of the United States, there was a concurrence of all the powers necessary to make that transfer valid; all the pre-existing elements of Government; every functionary in which a portion of sovereignty might be supposed to rest united in it. The old confederation, by its Congress, the State of South Carolina, by her Legislature, and the people of the State, met in solemn convention, agreed to, and sanctioned it. To deny that they could do this, does, in fact, deny the right of self-government to a people; it does more, it holds both the people and their rulers, for the time being, bound down by a kind of metaphysical necessity, to remain forever in the state in which that necessity may be fastened upon them.

With respect to this act which formed a new Government out of the crude materials of the old confederation, I care not by what name it may be called. I do not object to the term *compact;* for, though it is not used in the constitution, it is, nevertheless, a highly appropriate word to express the act. It was, indeed, a new social compact, out of which arose a new Government. But the argument which some gentlemen have drawn thence is wholly fallacious. It does not follow, because it is a compact, that the parties to it, if you can find who or what they originally were, have a right to violate and annul it; and it is a contradiction in terms, to say that they can do so consistently with the compact itself, unless it contain a clause which provides for its abandonment or destruction, and that provision be pursued. It is a fallacy, too, to say, that, because it is a compact, it is subject to the same principles which govern the ordinary agreements between man and man. Such is not the case; it is a compact out of which Government arises; or, which is, in itself, the rule and charter of Government; it is that compact which makes a nation by the assent and concurrence of individuals; or a great nation by the assent and concurrence of smaller communities; and neither the individuals in the one case, nor the smaller communities in the other, can ever after retract that assent, without the concurrence of the sovereignty of that great nation, of which they have thus made themselves a part. In the case of an individual, no one can, for a moment, doubt; for it would be subversive of the very first principles of all government to permit it, unless, indeed, he remove beyond its territorial jurisdiction, then it becomes a matter equivocal, and to be governed by circumstances. As it respects a State which has made itself a part of a greater community, precisely the same principle applies, with this additional ingredient, that it cannot transfer itself beyond the jurisdiction of the Government of which it forms an integral part. In order to simplify the argument, I have proceeded thus far on the hypothesis that the whole power of Government, instead of a portion of it only, had been transferred by the smaller communities to the larger; and thus, making one perfect consolidated nation. And, in this view of the subject, I have answered and attempted to refute the doctrine of the convention of South Carolina, that "sovereignty is inalienable." They next affirm that "sovereignty is indivisible;" that part of it could not be transferred to the General Government, and part retained to the States. This, in my opinion, involves one of the most difficult problems in Government. In theory, it is easy to divide the various powers of a consolidated Government, and place the legislative, the executive, and the judicial power in different hands. In practice, there is danger that the balance may be left imperfect, and that one of those powers may, in time, absorb the rest. So it is easy in theory to divide the sovereignty in another mode, create a National Government, as in the case of our Union; vesting it with certain prescribed and limited powers, and, so far as they extend, making it paramount, and, at the same time, leaving in the hands of the several States, or great integral parts which compose it, a large portion of those powers which the National Government may not infringe upon or touch.

There is nothing in the theory of government which forbids that rights should be reserved to individuals, as in the declaration of rights; or to the States and the people, as in that clause of our constitution which provides that all powers, not expressly delegated, be reserved to them. There is, on the whole, nothing in the nature of things which forbids this division of power, or sovereignty, among the various great departments of a State, or of vesting it partly in a federal head, and partly in the various civil divisions which compose a federal Union. It resolves itself simply into the question, whether the powers of Government can be, in any manner, checked and controlled, or whether there must, in the nature of things, be an arbitrary, absolute, uncontrollable power, vesting somewhere in every form of government? In theory it is not necessarily so, it may be so in practice; but if it be so, our experiment of a union of free States, each possessing limited powers, and of a General Government, supreme within its appropriate sphere, but also limited in its powers, must fail, and, with it, the hopes of the friends of freedom throughout the world must also fail.

But this case of divided sovereignty, the placing of the paramount though limited power in one head, and a portion of the sovereignty, equally absolute, within its own appropriate sphere, in subordinate Governments, is not of new or recent impression. The division of sovereignty, in this sense, is familiar from the earliest date of the feudal system of Europe, and it is owing chiefly to this principle in that system, by means of which a brave and free nobility, possessing rights which they dared to maintain, and which their sovereign, in accordance with the very constitution of their polity, was obliged to respect, that Europe has not, like Asia, been swallowed up and sunk in despotism. I would, by no means, be understood to cite these as Governments either orderly or free; they were neither; but, confused, and irregular, and oppressive as they were, they contained in themselves this principle and germ of freedom, from which all the mixed and limited Governments of Europe have sprung, and to which, perhaps, our own institutions may remotely trace their origin. This division of sovereignty, which the convention of South Carolina declares to be "indivisible;" this limitation of absolute power in one portion of the body politic, by vesting powers equally absolute in another; these checks and balances which can never be tried against each other, to their utmost, without danger of destruction to one or both the conflicting powers, may, from a salutary fear of the effects of that collision, coexist for ages in harmony, and secure, by their combined or reciprocal action, the highest degree of human freedom.

I say, therefore, that sovereignty is divisible in theory; and in practice we have seen, and still see it divided. I do not say that in our Government, if those parts in which portions of that sovereignty are vested, should come into direct and deadly collision, that their strength is precisely equal, and that neither would be compelled to succumb. Nor can we say it of the great departments among which the portions of the sovereignty vested in the General Government are distributed. But I do say, that this divided and distributed power does now exist in our Government, and that the curses of the world and of posterity will be due to those who shall first force them into deadly collision, and prove, by experiment, that either must fall before the superior power of the other.

If now I have succeeded in proving that sovereignty is alienable, and can be transferred; that it is divisible, and can be apportioned; that it can be placed where the power in which it at last reposes, the people, may choose to place it; and that it may be distributed among such depositories as they may select for its reception and exercise, I will have advanced so far in the argument as to prove that the framers of our constitution could, in the nature of things, make such a Government as they purport to have made; that there was really no physical or metaphysical impossibility in its execution.

The next inquiry is, what kind of Government did they, in fact, make? Is it a league of sovereign, independent nations? or is it one National Government, possessed of paramount, but limited powers; made up of States, each also sovereign in all things not embraced within the powers granted by the constitution to the National Government? On this part of the subject, the opinion of those who framed the ordinance of South Carolina, and of gentlemen who defend it here, aid us in coming to a conclusion. They say that, in looking into the constitution, they find "that the most important sovereign powers are vested in the central Government;" some of those powers are: the exclusive right of war and peace; negotiations with foreign Powers; the regulation of commerce; the right to impose taxes; to coin money, and regulate the value thereof; to levy troops and maintain them, and to issue civil and criminal process directly against the citizens of States; and adjudicate on the lives and property of those citizens; and the legislative power flowing from, and operating directly upon, the people of the States.

Now, it seems to me, that no man could mistake a central Government possessing these powers, as merely the effect or result of a league between States wholly independent of each other. Those attributes expressly vested in the National Government, are, in the opinion of political writers, the highest and most distinctly characteristic marks of sovereignty. They are powers which no State, being sovereign, could permit any other State or league of States to exercise within its territories, or over its citizens, without relinquishing a portion, and a high and controlling portion, of that sovereignty.

I have already adverted to the partition of powers under the feudal Governments, to show that there were examples of divided sovereignty; as, from the sovereign himself, the first lord paramount, down in the descending scale through the baron to the vavasor, from which, perhaps, the first hint for the distribution of powers between our General Government and republican States was derived. I will now read a passage or two from a writer of high credit, (Mr. Hallam,) which will show more clearly than I can do by argument, what constitutes a collection of States held together by league, and what a National Government. In his Middle Ages, and in the chapter on the feudal system, page 239, he says:

"To understand in what degree the peers and barons of France, during the prevalence of the feudal system, were independent of the crown, we must look at their leading privileges. These may be reckoned: 1, The right of coining money; 2, That of waging private war; 3, The exemption of all public tributes, except feudal aids; 4, The freedom from legislative control; and 5, The exclusive exercise of original judicature within their own dominions. Privileges so enormous, and so contrary to all principles of sovereignty, might lead us, in strictness, to account France rather a collection of States partially allied to each other, than a single monarchy."

From this, it will be seen, that it was the total absence of all the important powers vested by our constitution in the General Government, that led that writer to doubt whether France was, under the feudal system, one nation, or merely a league of States. But, surely, that doubt cannot exist under our Government, if the powers conferred by the constitution were, in fact, intended to be conveyed in the full extent in which they are there set down and granted. I will not consume the time of the Senate by going at large into this question, which has been already fully illustrated by those who have preceded me in this discussion; but I cannot forbear referring to one matter of history which strongly bears upon the claims of South Carolina to construe away, by historical reference, the plain meaning of the constitution.

Charles Pinckney, one of the delegates from South Carolina to the convention which formed the constitution, after he had performed his duty there, and while the constitution was under consideration before the Legislature of his State, on the 16th of January, 1788, in an address to the House of Representatives, gave his views in the most full and lucid manner, of the nature and bearing of that instrument, and the character of the Government which it formed. He says that the object of the promoters of the convention was to establish "a firm National Government;" and that the convention "wisely considered that, though the confederation might possess the great outlines of a General Government, yet, that it was, in fact, nothing more than a federal union, or, strictly speaking, a league, founded in paternal and persuasive principles, with nothing permanent or coercive in its construction, where the members might or might not comply with their federal engagements as they thought proper;" and adds, "It is sufficient to remark, that the convention saw and felt the necessity of establishing a Government upon different principles, which, instead of requiring the intervention of thirteen different Legislatures, between the demand and the compliance, should operate upon the people in the first instance." This is a part of the exposition of the general purpose of the constitution at the time it was presented to the State and people of South Carolina for their adoption. A distinct purpose to abandon the mere federative league, which had theretofore held these States together, and to erect in its stead a "firm National Government." The recent convention of South Carolina say that the constitution does seem to create such a Government, but appeals to history to disprove that such was its purpose. But here is history, at home, in their own State, a part of their own acts in the adoption of that constitution, which proves, if any proof were wanting, to aid the words of that instrument, that a National Government was its very object and purpose. In the same speech, Mr. Pinckney refers to the power which that constitution vests in the Supreme Court to decide in the last resort, and uses this very just and emphatic language: "That in republics, much more, in time of peace, would always depend upon the energy and integrity of the judicial, than on any other part of the Government; that to ensure these, extensive authorities were necessary; particularly so, were they in a tribunal constituted as this is, whose duty it would be, not only to decide all questions which should arise within the Union, but to control and keep the State judicials within their proper limits, whenever they shall attempt to interfere with its power." It would seem, therefore, to have been the intention of the framers of the constitution, as it is the clear construction of the instrument, that the judicial system of the United States should pervade every State of the Union; that that court should be the paramount judicial tribunal, and that it should revise the decisions of the State tribunals in all things in which they infringed on its rights; and it further appears that this purpose was known to, and sanctioned by, the people of the State of South Carolina.

Dangers, it is true, were apprehended by the framers of the constitution, of disunion on the one hand, and consolidation on the other; and that danger arose from the necessity of placing the ultimate decision of questions of controverted power in some department of one or other of the Governments, which might claim it, either in the State or in the General Government. But this danger does not, in fact, exist to any great extent, placed as the power is in the General Government; for every man who is a representative of the people here, in any form, must look at home to the people whom he represents to sustain him. Those people, in all parts of the Union, while they are citizens of the United States, are also citizens of a State which possesses their closest attachments; and it is not probable that they will ever sustain the man who abandons the just rights of his and their State, for the purpose of centering power in the General Government, of which power he may be the temporary possessor.

Mr. Pinckney, speaking on that subject, says, "Let us theorize as much as we will, it will be impossible so far to divest the federal representatives of their State views and policy, as to induce them to act on truly national principles. Men do not easily wean themselves of those preferences and attachments which country and connexions invariably create." And he adverts to the danger that "State views and State policy will influence their deliberations." The effect, then, of placing the power of ultimate decision in the States would have been, to give them, in the first place, their voice in the councils of the Union; and after that had been heard, to give each the power of destroying what all had united to create. In another place, he says, "The State Governments will too naturally slide into an opposition against the General one, and be easily induced to consider themselves as rivals; they will, after a time, resist the collection of a revenue; and if the General Government is obliged to concede, in the smallest degree, on this point, they will, of course, neglect their duties and despise its authority. A great degree of weight and energy is necessary to enforce it." Considering the time, and place, and circumstances, under which this was delivered, it is a prediction which has been singularly verified—verified by the acts of the State to whose Legislature the prediction was addressed. Can it be said, then, that South Carolina had not all the effects of this constitution, in a form as strong as it has ever received in practice, or as it has been contended for in theory, fully before her Legislature and people at the time she consented to its adoption? And who can deny that the appeal to history strengthens rather than weakens the obvious construction of that instrument?

If danger arises from vesting the power of deciding in the last resort in a department of the General Government, where the constitution has placed it, how much more dangerous would be the investiture of that power in each of the States? If we place it there, it brings us back, at once, to those scenes of disorder and violence which existed in the feudal ages, when every baron had a veto on the laws of his sovereign, and every vavasor on those of his baron; a negative, worse in its effects than the *liberum veto* in the ill-regulated Government of Poland; a power, the abuse of which led to foreign interference, to bribery, to bloodshed in the halls of their Diet; and, finally, to subjugation and vassalage. But here the power claimed on behalf of South Carolina is more enduring and more dangerous; it is not merely to prevent the passage of a law by her veto, but to annul a law solemnly enacted, whenever she may conceive it infringes on her rights or affects her interests. Her doctrine would result in this: that in case of war with a foreign enemy, any State could, by its own act, change the relations of the whole country, or make for itself a separate peace, withdraw from the Union, form an alliance with the enemy; and this, too, without the individuals who did the deed incurring the guilt of treason or any legal crime. For it is contended that if an individual bear arms against the Union, in obedience to a law of the State of which he is a citizen, that law is his shield, and he is, therefore, guiltless.

In support of this position, it has been contended that no man can be a citizen of the United States except as a citizen, or by reason of being a citizen of some one of the States. Now, this is most clearly an error; the cases against it are numerous. An individual born in a Territory; in the District of Columbia; one who is born abroad, his parents being absent in the service of the United States, are all of them citizens of the United States, in all respects, as far as it regards protection and allegiance, as fully and perfectly as if they were citizens of one of the States also. It is true, they are all denied the exercise of certain civil rights; as, for instance, the exercise of the elective franchise, so far as relates to the election of the officers of the General Government; but that does not touch the question now under consideration. That question is, whether the reciprocal rights of protection and allegiance are necessarily derived through the States, and, therefore, exist only by virtue of their power and through their sufferance. And it clearly does not; for, besides the cases I have already referred to, another is decisive. Congress, and Congress alone, has a right to pass a general law for the naturalization of aliens. It can, therefore, make citizens of foreigners, by its own will, without the assent of the States concurring in the act. The honorable Senator from Virginia [Mr. Tyler] said he would like to see such a thing as a citizen of the Government of the United States. I, also, would like to see a citizen of the ordinance of nullification; for the one idea is just as absurd as the other. Citizenship has relation to the State or nation, not to the Government; but the allegiance which the citizen owes is due to the Government. In a republic the citizen is one of the people who make up the nation, and he owes obedience and duty to the will of that people, constitutionally expressed; and he owes allegiance to their duly constituted Government.

The statesmen of South Carolina seem to be of opinion that a law of that State, commanding her citizens to do an act which were treason against the United States, if done without her mandate, will, by virtue of that mandate, cease to be a crime and become a duty. She is, therefore, presented as a shield, to save those who are to violate their allegiance to the United States, in obeying her laws. But if the United States be the paramount power, as the constitution certainly has made it, this can avail them nothing; or, at most, it would only mitigate the enormity of the offence. The state of double allegiance which seems to strike some gentlemen as absurd or impossible, is easily understood in theory, and is very common in fact. Could any thing be more easy than to conceive such a state of government and law, as that a citizen of South Carolina should owe allegiance to that State, saving his paramount allegiance to the United States? Such was often the case, as is well known, in some of the feudal Governments; and, indeed, in all of them, at some point of time. It is asked, if, according to the doctrines for which we contend, treason can be committed against a State? For myself, I see no reason why it could not. But crimes, in their definition and description, are the creatures of law; and certainly any State may define, by law, an offence which may be properly denominated treason, and punished as such. The term possesses no definite meaning independent of statutory enactment; in its general sense, it signifies treachery, where faith and duty were due. If a servant slay his master, a son his father, or an ecclesiastical person his superior, it is, in legal parlance, treason; because, in all those cases, faith and duty are due them. But if the act were done pursuant to the mandate of the paramount power, however revolting it might be to humanity, it would cease to be a legal crime. In all these cases, the allegiance to the individual or the inferior power yields to the paramount allegiance due to the superior; thus would the allegiance which a citizen owes to his State yield to that paramount allegiance which he owes to the Union. I, therefore, see nothing in this objection to puzzle, much less to convince me.

This, then, is the attitude which South Carolina has assumed towards the Union of which she is a part. She now asserts powers which she once yielded in the most solemn form to the Government of that Union. She claims the right to retract, or rather to assert those powers, under the wild pretext that the grant was impossible, and, therefore, nugatory. She assumes that the allegiance of her citizens to her is paramount to their allegiance to that Government which she and her own people, in their primary assembly, joined in creating, and pronounced supreme; and whose constitution her own legislators are sworn to support, before they can exercise their appropriate functions. And she has nullified a law of the United States; expelled its courts from her limits; and, through a mere color of judicial process, but in fact by an immediate application of ministerial power, directed the property of the United States, in possession of its officers, to be seized and wrested from their hands. She attaches a penalty to all who resist the application of this power; and those who attempt to support the laws of the Union, to serve the process of its courts, or even to invoke their aid, are branded as criminals, and subjected to prosecution.

If, sir, the laws of the Union be now insufficient to oppose a decisive and effectual check to this violence and aggression; if the Executive arm be not now strong enough to defend and protect the Union, its laws and its rights; unwilling as I am to intrust power in the hands of our present Chief Magistrate, yet, as the case is one of overruling necessity, I have made up my mind to do it. I will invest him, if need be, with all the power of the nation, and charge him, by the sacred trust reposed in him by the constitution, to stretch forth his arm, thus strengthened and sustained, and defend and preserve the Union. With this view, I support, and shall vote for the passage of the bill.

After speaking for about half an hour, Mr. E. yielded the floor to give an opportunity for a motion to adjourn.

Mr. RUGGLES then moved that the Senate now adjourn. Negatived—Yeas 10, nays 23.

Mr. CALHOUN then said, that as the debate was closed on the part of the opponents of the bill, and as there was no disposition on their part to delay the passage of the bill, he hoped that the gentlemen on the other side would consent to postpone the final question until the morning, as the Senate was now thin, and a bill of such importance ought to pass in a full Senate. Several gentlemen, he said, had retired in consequence of indisposition.

Mr. WILKINS rendered a tribute to the liberality of the Senator from South Carolina, who had postponed his intention of addressing the Senate, and had thus facilitated the termination of the debate. But as the Senate had been notified that the bill would be urged through this evening, and as it was therefore to be presumed that every Senator was prepared to vote, and as the public mind was desirous that this question should be disposed of, he could not consent to delay. There was also another subject into which he was desirous of going as speedily as possible.

Mr. CALHOUN moved that the Senate now adjourn, but afterwards withdrew the motion.

Mr. EWING then resumed his remarks, (given entire above,) and continued until a quarter past nine, when he again gave way to

Mr. HOLMES, who moved that the Senate now adjourn.

Mr. WILKINS asked for the yeas and nays, which were ordered, and, being taken, stood—Yeas 13, nays 23.

Mr. EWING then concluded his remarks at twenty minutes before ten o'clock.

On the call of Mr. WEBSTER, the yeas and nays were ordered on the passage of the bill.

Mr. TYLER then moved that the Senate do now adjourn. He stated that he had been induced to make this motion because he saw that several Senators who were opposed to the bill were absent from their seats; and he thought that the bill might receive its final action early in the morning.

Mr. WILKINS stated that the gentlemen whose seats were empty had but just withdrawn from the Senate. It was but a few moments before that they were all in their seats, and he presumed that they would return immediately.

The motion to adjourn was decided in the negative.—Yeas 5, nays 27.

The question was then taken on the passage of the bill, and decided as follows:

YEAS.—Messrs. Bell, Chambers, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, Knight, Naudain, Prentiss, Rives, Robbins, Robinson, Ruggles, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, White, Wilkins, Wright—32.

NAY.—Mr. Tyler—1.

So the bill was passed, and ordered to be sent to the House for concurrence.

The Senate then adjourned.

THURSDAY, FEBRUARY 21.

VOTES OF ABSENTEES.

Mr. BIBB requested permission to record his name on the list of members who voted last night on the question of the passage of the bill to provide further for the collection of the duties on imports. He stated that he had been unable to attend the evening sessions on account of indisposition.

The CHAIR stated that the rule on this subject was positive, but the leave could be given by the unanimous assent of the Senate.

Mr. KING stated that he also had been absent when the vote was taken on the final passage of the bill. He had, however, recorded his vote against the engrossment of the bill, and he was indifferent on the subject of any change in the rule on this occasion.

Mr. POINDEXTER said that he had not been in his place to record his vote at large against the bill.

Mr. CALHOUN said that he had been anxious last evening to postpone the vote on the passage of the bill, in order that it might be taken this morning in a full Senate. He had stated to the Senate that four or five Senators opposed to the measure were too unwell to be in their seats in the evening. With the object in view which he had stated, he had moved that the Senate adjourn, but the majority remained inexorable. The only course which remained for him and his friends was, to vote in a minority which would not contain the strength of the opposition to the bill, or to leave the Senate; and they determined on the latter as the more correct course, and as the best calculated to convey an accurate expression of the feeling of the Senate. He regretted that the Senate had not indulged the opponents of the bill with a final vote in broad day-light, when both the unwell and the well would have been able to attend. He felt indifference as to whether his vote was recorded or not.

Mr. FOOT expressed his hope that the unanimous assent of the Senate would be given to allow gentlemen to record their names on a question of such importance. Whenever an application of this nature had been made, it had been customary to grant it.

Mr. BUCKNER said that he hoped the permission would not be given. He was not present at the passage of the bill, nor did he wish to record his name either against or in favor of its passage. He suggested that there was another course which gentlemen could pursue if they were disposed, and that was for one of the majority to move the reconsideration of the vote of last evening.

Mr. HOLMES hoped that the gentleman from Missouri would not object to the allowance of this application. If he was careless about his own vote being recorded, he should recollect that his objection would operate as a check on the other Senators who were opposed to the bill. If, however, the privilege was extended to those who were absent last night, he hoped that it would also be extended to those who were now absent, and that these would have the whole of the day to record their names.

Mr. CALHOUN repeated the expression of his indifference as to the result of the application, leaving the question in the hands of the majority.

Mr. TYLER said that he felt a little pride in this matter. He stood single in his negative to the bill; and he was not desirous to lose this proud position, and to share the honor he now enjoyed alone with any others.

The application was then withdrawn.

THE RECESS.

Mr. KANE moved that the Senate now rescind the order passed some weeks since, directing a daily recess from 3 to 5 o'clock.

Mr. MOORE moved to lay the motion on the table. Negatived—Yeas 19, nays 20.

Mr. CLAY then remarked that he could not be present at these evening sessions; for he had found it impossible to breathe the impure air of the Senate Chamber after dinner. He had been twice compelled to absent himself from the Senate in the evening; and last night he was prevented from giving the vote which he would have given with pleasure, in favor of the bill which had then been passed. But he desired that an experiment should be made to-day, by which it might be tested whether there was any probability of a final action on the tariff during this session. He would, therefore, move to postpone the further consideration of this motion until to-morrow. Perhaps by that time—perhaps by three o'clock to-day—it would be seen whether there was any prospect of acting finally on this subject at the present session. He concluded by making his motion to postpone.

Mr. CALHOUN expressed a hope that this motion would not prevail. Attendance at these evening sessions he considered, speaking in the mildest terms, as a great inconvenience to members. The badness of the atmosphere was productive of serious injury to health. He would himself much prefer sitting here till five or six o'clock, or even later, to a recess, and an evening session.

Mr. KANE urged the propriety of rescinding the rule now. He would be willing to restore the arrangement at any future time when it might be deemed necessary.

Mr. WILKINS said he would be as happy as any Senator to get rid of those recesses and evening sessions, whenever it could be done with reference to the convenience of the Senate and the despatch of public business. He would, on this occasion, willingly put his vote in the hands of the Senator from Kentucky, because he thought it was due to the gentleman, who had introduced this measure of conciliation, to give him all the industry which could be contributed to the consummation of his efforts.

Mr. CLAY acknowledged the liberality of the Senator from Pennsylvania, which was in conformity with his general conduct and character. He himself would prefer a continuous session to evening sessions. We might try the experiment to-day of a continuous session, and see what was the chance of getting any bill through. He then withdrew his motion to postpone.

The motion of Mr. KANE was then agreed to, and the rule was rescinded.

THE TARIFF.

The hour of 12 having arrived,

Mr. CLAY moved to take up the special order, being the bill "to modify the act of the 14th of July, 1832, and all other acts imposing duties on imports;" which being agreed to, the bill was then taken up in Committee of the Whole, as amended by the select committee to whom it was referred, as follows:

A bill to modify the act of the fourteenth of July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports.

(Strike out the parts within brackets, and insert those parts quoted.)

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the thirtieth day of September, one thousand eight hundred and thirty-three, in all cases where duties are imposed on foreign imports by the act of the fourteenth day of July, one thousand eight hundred and thirty-two, entitled "An act to alter and amend the several acts imposing duties on imports," or by any other act, shall exceed twenty per centum on the value thereof, one-tenth part of such excess shall be deducted; from and after the thirtieth day of September, one thousand eight hundred and thirty-five, another tenth part thereof shall be deducted; from and after the thirtieth day of September, one thousand eight hundred and thirty-seven, another tenth part thereof shall be deducted; from and after the thirtieth day of September, one thousand eight hundred and thirty-nine, another tenth part thereof shall be deducted; and from and after the thirtieth day of September, one thousand eight hundred and forty-one, one-half of the residue of such excess shall be deducted; and from and after the thirtieth day of September, one thousand eight hundred and forty-two, the other half thereof shall be deducted.

Sec. 2. *And be it further enacted,* That so much of the second section of the act of the fourteenth of July aforesaid as fixes the rate of duty on all milled and fulled cloths, known by the name of plains, kerseys, or Kendal cottons, of which wool is the only material, the value whereof does not exceed thirty-five cents a square yard, at five per centum ad valorem, shall be, and the same is hereby repealed. And the said articles shall be subject to the same duty of fifty per centum as is provided by the said second section for other manufactures of wool; which duty shall be liable to the same deductions as are prescribed by the first section of this act.

Sec. 3. *And be it further enacted,* That, until the thirtieth day of September, one thousand eight hundred and forty-two, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected. [And from and after the day last aforesaid, all duties upon imports shall be collected in ready money, and laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government; and, for that purpose, shall be equal upon all articles, according to their value, which are not, by this act, declared to be entitled to entry subsequent to the said thirtieth day of September, one thousand eight hundred and forty-two, free of duty; and, until otherwise directed by law, from and after the said thirtieth day of September, one thousand eight hundred and forty two, such duties shall be at the rate of twenty per cent. ad valorem; and from and after that day, all credits now allowed by law, in the payment of duties, shall be, and hereby are, abolished: *Provided,* That nothing herein contained shall be construed to prevent the passage of any law, in the event of war with any foreign Power, for imposing such duties as may be deemed, by Congress, necessary to the prosecution of such war.] "And from and after the day last aforesaid, all duties upon imports shall be collected in ready money; and all credits now allowed by law, in the payment of duties, shall be, and hereby are, abolished; and such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government."

Sec. 4. *And be it further enacted,* That in addition to the articles now exempted by the existing laws from the payment of duties, the following articles, imported from and after the thirtieth day of September, one thousand eight hundred and thirty-three, and until the thirtieth day of September, one thousand eight hundred and forty-two, shall also be admitted to entry, free from duty, to wit: bleached and unbleached linens, "table linen, linen napkins, and linen cambrics," manufactures of silk, or of which silk shall be the component material of chief value, coming from this side of the Cape of Good Hope, "except sewing silk," and worsted stuff goods, shawls, and other manufactures of silk and worsted.

Sec. 5. *And be it further enacted,* That from and after the said thirtieth day of September, one thousand eight hundred and forty-two, the following articles shall be admitted to entry, free from duty, to wit: [unmanufactured cotton,] indigo, quicksilver, "sulphur, crude saltpetre, steel, grindstones, refined borax, emory," opium, tin in plates and sheets, gum Arabic, gum Senegal, lac dye, madder, madder root, nuts and berries used in dying, saffron, tumeric, woad or pastel, aloes, ambergris, Burgundy pitch, cochineal, camomile flowers, coriander seed, catsup, chalk, coculus indicus, horn plates for lanterns, ox horns, other horns and tips, India rubber, unmanufactured ivory, juniper berries, musk, nuts of all kinds, oil of juniper, unmanufactured rattans and reeds, tortoise shell, tin foil, shellac, vegetables used principally in dying and composing dyes, weld, and all articles employed chiefly for dying, "except alum, copperas, bichromate of potash, prussiate of potash, chromate of potash, and nitrate of lead, aqua fortis and tartaric acids," [and all other dying drugs and materials for composing dyes.] "And all imports on which the first section of this act may operate, and all articles now admitted to entry free from duty, or paying a less rate of duty than twenty per centum ad valorem before the said thirtieth day of September, one thousand eight hundred and forty-two, from and after that day may be admitted to entry subject to such duty, not exceeding twenty per centum ad valorem, as shall be provided for by law."

Sec. 6. *And be it further enacted,* That so much of the act of the fourteenth day of July, one thousand eight hundred and thirty-two, or of any other act as is inconsistent with this act, shall be, and the same is hereby repealed: *Provided,* That nothing herein contained shall be so construed as to prevent the passage, prior or subsequent to the said thirtieth day of September, one thousand eight hundred and forty-two, of any act or acts, from time to time, that may be necessary to detect, prevent, or punish evasions of the duties on imports imposed by law; "nor to prevent the passage of any act prior to the thirtieth day of September, one thousand eight hundred and forty-two, in the contingency either of excess or deficiency of revenue, altering the rate of duties on articles which, by the aforesaid act of the fourteenth day of July, one thousand eight hundred and thirty-two, are subject to a less rate of duty than twenty per centum ad valorem, in such manner as not to exceed that rate, and so as to adjust the revenue to either of the said contingencies."

Mr. CLAY then rose to say, that he presumed it would be thought most expedient by the Senate to consider the amendments made by the Select Committee in the first place, and dispose of them prior to taking up the bill generally. The first amendment that came up for immediate consideration was intended to make it more acceptable. After adopting the maximum of twenty per cent., above which the duties are not, ultimately, to be raised, the amendment proposes to raise whatever revenue (not exceeding the maximum) may be then necessary on an economical system of government. The next principle of the amendment is, that the restriction which limited the duties from falling below the general average of twenty per cent. is struck out. He hoped to this amendment there would be no objection on the part of the Senate.

Mr. FORSYTH thought that this amendment was extremely objectionable. As he understood the object of the amendment, it would limit the power of Congress, after the year 1842, from making any discrimination of duties. Where could the gentleman find this power to limit future Congresses? It was said, the intention was to unite the different existing interests; but in doing this, was it necessary to abandon general principles? The present House of Representatives may feel themselves bound, in honor, to adopt the measure; but how many of the members who are now in that House may be there in two years hence? how many in four years? It appeared to him as intended to render practicable what was impracticable. Yet, though opposed to the principle, and though even incorporated in it, he would vote for it notwithstanding, as he considered it, at the least, useless, inasmuch as it could not limit future action.

Mr. CLAY was sorry that the measure should meet with any objection from the Senator from Georgia. It was intended as a compromise; as an adjustment between conflicting interests; to preserve harmony and peace among all. If the gentleman would turn his attention to the amendment, he would see that its object was to render the very principle to which the gentleman was opposed less objectionable. The bill, as originally reported, required Congress to subject all to the same standard of duties; this restriction was struck out by the amendment, and left Congress at discretion below twenty per cent.

Mr. FORSYTH thought the amendment was liable to the same objection. At the same time he would state, that, wishing to see peace and harmony preserved, though opposed to the principle, he would not vote against it; but he hoped to see it struck out. A future Congress would not be bound by it.

Mr. DICKERSON was desirous, in order the better to form his opinion on the subject of the amendment, to hear the views of all the members of the committee. The amendment contained a new principle, that "such duties shall be raised as an economical administration of the Government may require." He wished to be informed, if, under this proposition, it was not intended, indirectly, to do away, hereafter, with the principle of an incidental and discriminating protection? If, by adopting this, the object was that the principle of protection should not be taken into consideration in raising the future revenue, he would say that he would strongly oppose it.

Mr. CLAY said it always afforded him pleasure to give all the information in his power. But in this state, the objection of the gentleman was not well founded. On the question of the amendment, he (Mr. C.) only considered it a question of comparison whether the amendment should be preferred to the original text; by voting for the amendment, as he took it, no gentleman pledged himself to its principle; it was only that he preferred it to the original text. But, sir, said Mr. C., there is no concealment in the bill, as gentlemen will see by turning to the next clause. After nine and a half years, the principle of protection is limited to twenty per cent.; but below that amount, the principle is expressly preserved.

Mr. CLAYTON, after some remarks, which, from being spoken in a low tone of voice, were not distinctly audible in the gallery, but in which he was understood to say that the main question could not be fully embraced till the additional amendment about to be submitted by the gentleman from Kentucky, [Mr. Clay,] relative to the home valuation, came up, proceeded to say, it would then be seen it was not intended to surrender the principle of protection. For his own part, he would never surrender it; he hoped in God no future Congress would be found to do so; for he held that this Government could not exist under those circumstances.

Mr. SMITH said he would vote for the amendment, though he was opposed to the principles of the bill.

Mr. FORSYTH said he should conform to the wish to adopt the amendments for the present, and reserve his remarks for a future occasion.

Mr. CLAYTON said, that he was willing to make a compromise, if it could be done; but he would show the limits to which he was willing to go. He saw no special occasion to do so now, when these amendments were under consideration, which he believed the committee had all concurred in.

Mr. WEBSTER said that, in his opinion, the principle in the amendment and in the bill was equally objectionable; in the one, and in the other, it was proposed to limit the action of Congress. Considering that those amendments were now but in committee, and that they would come up again, he would not now make any motion to strike out; but at a future period it was his intention to ask for the ayes and noes on those several propositions.

Mr. DICKERSON said he would not vote for the principle in either case. It was said that it was not the object to limit Congress in respect to the power of discrimination; but there was a limit to this discrimination to which he would not agree. With the general average of twenty per cent., in his opinion, there could be no protection; it might as well be fixed at five per cent.

Mr. CLAYTON made some remarks in reply, to show that, though the bill went to limit the duties, after nine and a half years, to twenty per cent., the principle of protection was not surrendered. The gentleman from Massachusetts [Mr. Webster] had drawn up, he said, a series of resolutions—and ably drawn up, in his opinion—in which the principle was admitted that it was practicable to devise a system, in which the protective policy would be preserved, and yet reduce the tariff to the wants of the Government; but it was held that time must be given for this, and it could only be perfected with much time and labor. If such were the fact, he (Mr. C.) saw nothing in the immediate amendment that gave up the principle. He had already said that this he would never surrender; and if he so understood the amendment, he would never agree to it.

Mr. WILKINS said that the amendment struck him as useful, so far as the restriction on Congress to discriminate below twenty per cent. was taken away. It was wise to leave Congress unfettered. But he held that the subsequent words, "such duties as an economical administration of the Government may require," did not mean any thing, and were useless: it was nothing but a general admonition, which every Congress was bound to follow; and he should therefore move to strike out the words.

Mr. CHAMBERS said he did not mean, at that time, to give his opinion on that or any other of the amendments. He only wished to remind the gentleman that they were then in committee; and that in adopting the amendments now there was no pledge given. After passing through the Committee of the Whole, the same opportunity would then exist to amend the bill.

Mr. WILKINS expressed his intention to avail himself of the proper opportunity, and then withdrew his motion.

The CHAIR was proceeding to take the sense of the Senate on the amendments separately, when it was suggested by Mr. CHAMBERS to take the question on them in the aggregate.

Mr. CLAY said if such were the wish of the Senate, to take the vote on them in the aggregate, he would briefly state the object of the various amendments separately. Mr. C. then briefly analyzed each, stating its drift and meaning.

The question was then put, when the amendments were adopted.

Mr. DICKERSON gave notice that, at a proper period, he would move to strike out so much of that section wherein duties were imposed upon alum, brimstone, and some other articles, and to insert the clause of the bill of 1832, in which the several articles free of duty are enumerated.

Mr. CLAY said he had an amendment which he wished to offer before he submitted the leading one, of which he had already given notice. The one which he now wished to offer regarded the time when the bill was to come into operation. As the bill was now before the Senate, the 30th of September next was fixed on. He had had some communications on the subject from New York, stating the inconvenience that would arise from fixing the commencement at the 1st of October, and also from Richmond. These communications stated that August and September were the months when most merchants made their purchases, and the effect of the bill must be to prevent sales taking place till the goods would come in under the new duties. They proposed the 31st of December or 1st of January next, as better for both the importers and the buyers. He had modified the bill to suit the change; the commencement of it was put off one quarter; and, to meet this, its termination was brought a quarter in advance. He hoped that this change would meet with the concurrence of the Senate.

Mr. C. then moved his amendment to this effect, which was agreed to.

Mr. CLAY now rose to propose the amendment of which he had previously given notice. The object was, that after the period prescribed by the bill, all duties should thereafter be assessed on a valuation made at the port in which the goods are first imported, and under "such regulations as may be prescribed by law." Mr. C. said it would be seen by this amendment, that in place of having a foreign valuation, it was intended to have a home one. It was believed by the friends of the protective system, that such a regulation was necessary. It was believed by many of the friends of the system, that after the period of nine and a half years, the most of our manufactures will be sufficiently grown to be able to support themselves under a duty of twenty per cent., if properly laid; but that under a system of foreign valuation, such would not be the case. They say that it would be more detrimental to their interests than the lowest scale of duties that could be imposed; and you propose to fix a standard of duties. They are willing to take you at your word, provided you regulate this in a way to do them justice.

Mr. C. said that, to effect a system of home valuation, was deemed to be impracticable; but he wished it to be recollected that, in this proposition, there was only an acknowledgment of the principle, and the regulation of it was left to other Congresses. He hoped that the friends and the opponents of the system would not differ on this proposition, which was merely a speculative point open for future legislation.

Mr. SMITH opposed the amendment, on the ground that it would be an increase of duties; that it had been tried before; that it would be impracticable, unequal, unjust, and productive of confusion, inasmuch as imported goods were constantly varying in value, and were well known to be, at all times, cheaper in New York than in the commercial cities south of it. This would have the effect of drawing all the trade of the United States to New York.

Mr. CLAY said he did not think it expedient, in deciding this question, to go forward five or six years, and make that an obstacle to the passage of a great national measure, which is not to go into operation until after that period. The honorable Senator from Maryland said that the measure would be impracticable. Well, sir, if so, it will not be adopted. We do not adopt it now, said Mr. C.; we only adopt the principle, leaving it to future legislation to adjust the details. Besides, it would be the restoration of an ancient principle, known since the foundation of the Government. It was but at the last session that the discriminating duty on goods coming from this side and beyond the Cape of Good Hope, ten per cent. on one, and twenty per cent. on the other, was repealed. On what principle was it, said he, that this discrimination ever prevailed? On the principle of the home value. Were it not for the fraudulent invoices which every gentleman in this country was familiar with, he would not urge the amendment; but it was to detect and prevent these frauds that he looked upon the insertion of the clause as essentially necessary. The experience of the gentleman from Maryland, Mr. C. said, might detect a thousand difficulties in the bill itself. To all which he had but one answer; if any provisions of the bill should be found impracticable or unequal, why, they would not be adopted. But he would ask of gentlemen, if, from a mere difference in theory, while the country was anxiously looking for some measure of compromise and conciliation, whether they were willing to separate and go home to their constituents, and leave the country in its present distracted and unquiet condition?

Mr. SMITH replied that he had not said that the measure was impracticable. He only intended to say that it would be inconvenient and unjust. Neither did he say that it would be adopted by a future Congress; but he said, if the principle was adopted now, it would be an entering wedge that might lead to the adoption of the measure. We all recollect, said Mr. S., that appropriations were made for surveys for internal improvements; and that these operated as entering wedges, and led to appropriations for roads and canals. The adoption of the principle contended for by the Senator from Kentucky, would not, in his, (Mr. S.'s) opinion, prevent frauds in the invoices. That very principle was the foundation of all the frauds on the revenue of France and Spain, where the duties were assessed according to the value of the goods in the ports where entered. He again said that the effect of the amendment would be to draw the principal commerce of the country to the great city of New York, where goods were cheaper.

Mr. FORSYTH said, he supposed that this amendment was to take effect eight or nine years hence; if so, he viewed it as a matter of perfect inutility. He understood, from what had fallen from the Senator from Kentucky, that this was a vital question, and on it depended the success of this measure of conciliation and compromise, which was said to settle the distracted condition of the country. In one respect, it was said to be a vital question; and the next was, it was useful; and a strange contradiction followed, that the fate of this measure, to unite the jarrings of brother with brother, depended on the adoption of a principle which might or might not be adopted. He considered the amendment wrong in principle, because it would be both unequal and unjust in its operation, and because it would raise the revenue; as the duties would be assessed, not only on the value of the goods at the place whence imported, but on their value at the place of importation. He would, however, vote for the bill, even if the amendment were incorporated in it, provided he had the assurances from the proper quarter that it would effect the conciliation and compromise it was intended for. But, Mr. F. asked, why should we adopt the amendment? Can we be asked to bind our successors at the next Congress? Can we bind a Congress eight or nine years hence? Nobody pretends we can. Can we, even by the adoption of this measure, bind the next Congress not to remodel the tariff themselves? No one believed that it could be done. We can only say, we act for ourselves, and leave to our successors the same undoubted right. For his part, though he should vote for the bill, he considered nothing in it of the slightest value, with the exception of the first section. He confessed he did not like the bill, but should vote for it as a measure of conciliation, calculated to remove the danger of that conflict, the consequences of which no man can foresee. He believed that the passage of the bill would be injurious in its consequences to the section of country he represented; for the next Congress, he believed, would pass a bill better for their interests and more satisfactory to them. Mr. F. ended by expressing a sincere hope that no member of the Senate would permit a principle of perfect inutility to interfere with a measure which promised such valuable results.

Mr. CLAY observed that he had heard, with much pleasure, the sentiments of the gentleman from Georgia, and especially the expression of his determination to vote for the bill. He had brought forward this measure with the hope, that in the course of its discussion, it would ultimately assume such a shape as to reconcile all parties to its adoption, and tend to end the agitation of this unsettled question. If there be any member of this Congress, (Mr. C. said,) who says that he will take this bill now for as much as it is worth, and that he will, at the next Congress, again open the question, for the purpose of getting a better bill, of bringing down the tariff to a lower standard, without considering it as a final measure of compromise and conciliation, calculated also to give stability to a man of business, the bill, in his eyes, would lose all its value, and he should be constrained to vote against it.

It was for the sake of conciliation, of nine years of peace, to give tranquillity to a disturbed and agitated country, that he had, even at this late period of the session, introduced this measure, which, his respect for the other branch of the Legislature, now sitting in that building, and who had a measure looking to the same end before them, had prevented him from bringing forward at an earlier period. But when he had seen the session wearing away, without the prospect of any action in that other body, he felt himself compelled to come forward, though contrary to his wishes, and the advice of some of his best friends, with whom he had acted in the most perilous times. The honorable member from Georgia asks if it is possible for us to separate without acting on this important measure, merely because of a difference respecting what he considers an immaterial principle? But, sir, let it be remembered, that that consideration belongs to the other side as well as to ours; and that the responsibility of defeating a measure promising so much good, will as well rest with those who oppose it, because of an immaterial objection. Mr. C. did not, more than the gentleman from Georgia, consider this measure as binding on a future Congress; but when it was called for by the whole country, he could not think that any Congress, having in view the same objects, would violate the implied pledge given at so important a crisis. He knew enough of the respect which every Congress would entertain for the opinions of the whole body of the people, to believe that the principle now sought to be established, of harmony, peace, and good will, would be violated on light or trivial occasions.

Mr. HOLMES spoke in favor of the amendment, declaring that it was neither unequal, unconstitutional, nor calculated to raise the duties. His idea was, that high protection lessened the price of the article to the consumer, and that low duties increased the price.

Mr. CALHOUN said, he regretted, exceedingly, that the Senator from Kentucky had felt it his duty to move the amendment. According to his present impressions, the objections to it were insurmountable; and, unless these were removed, he should be compelled to vote against the whole bill, should the amendment be adopted. The measure proposed was, in his opinion, unconstitutional. The constitution expressly provided that no preference should be given, by any regulation of commerce, to the ports of one State over those of another; and this would be the effect of adopting the amendment. Thus, great injustice and inequality must necessarily result from it; for, the price of goods being cheaper in the northern than in the southern cities, a home valuation would give to the former a preference in the payment of duties. Again, the price of goods being higher at New Orleans and Charleston than at New York, the freight and insurance also being higher, together with the increased expenses of a sickly climate, would give such advantages in the amount of duties to the northern city, as to draw to it much of the trade of the southern ones. In his view of the subject, this was not all. He was not merchant enough to say what would be the extent of duties under this system of home valuation; but, as he understood it, they must, of consequence, be progressive. For instance, an article is brought into New York, value there 100 dollars. Twenty per cent. on that would raise the value of the article to one hundred and twenty dollars, on which value a duty of twenty per cent. would be assessed at the next importation, and so on. It would, therefore, be impossible to say to what extent the duties would run up. He regretted the more that the Senator from Kentucky had felt it his duty to offer this amendment, as he was willing to leave the matter to the decision of a future Congress, though he did not see how they could get over the insuperable constitutional objections he had glanced at. Mr. C. appealed to the Senator from Kentucky, whether, with these views, he would press his amendment, when he had eight or nine years in advance before it could take effect. He understood the argument of the Senator from Kentucky to be an admission that the amendment was not now absolutely necessary. With respect to the apprehension of frauds on the revenue, Mr. C. said that every future Congress would have the strongest disposition to guard against them. The very reduction of duties, he said, would have that effect; it would strike at the root of the evil. Mr. C. said he agreed with the Senator from Kentucky, that this bill will be the final effort at conciliation and compromise; and he, for one, was not disposed, if it passed, to violate it by future legislation.

Mr. CLAYTON said that he could not vote for this bill without this amendment, nor would he admit any idea of an abandonment of the protective system; while he was willing to pass this measure, as one of concession from the stronger to the weaker party, he never could agree that twenty per cent. was adequate protection to our domestic manufactures. He had been anxious to do something to relieve South Carolina from her present perilous position; though he had never been driven by the taunts of southern gentlemen to do that, which he now did, for the sake of conciliation. I vote for this bill, said Mr. C., only on the ground that it may save South Carolina from herself.

Here Mr. C. yielded the floor to

Mr. CALHOUN, who said, he hoped the gentleman would not touch that question. He entreated him to believe that South Carolina had no fears for herself. The noble and disinterested attitude she had assumed was intended for the whole nation, while it was also calculated to relieve herself, as well as them, from oppressive legislation. It was not for them to consider the condition of South Carolina only, in passing on a measure of this importance.

Mr. CLAYTON resumed. Sir, said he, I must be permitted to explain, in my own way, the reasons which will govern me in the vote I am about to give. As I said before, I never have permitted the fears of losing the protective system, as expressed by the Senator from Georgia, when he taunted us with the majority that they would have in the next Congress, when they would get a better bill, to influence my opinion upon this occasion. That we have been driven by our fears into this act of concession, I will not admit. Sir, I tell gentlemen that they may never get such another offer as the present; for, though they may think otherwise, I do not believe that the people of this country will ever be brought to consent to the abandonment of the protective system. I agree with the Senator from South Carolina, that in this bill there is no abandonment of principle on either side; and I again say, that twenty per cent. is not an adequate protection, and that the time will come when gentlemen will find it to their own interest to take up this tariff and make the protection sufficient. Every civilized nation on earth has found it indispensable to her interest to protect her own industry by commercial regulations. England, the most civilized of all, has found it her interest to adopt the very principle of the amendment. France, and even Turkey, have done the same.

Sir, said Mr. C., I support this proposition for the same reasons as contained in the argument of my friend from Maine. Does any man believe that fifty per cent. is an adequate protection on woollens? No, sir; the protection is brought down to twenty per cent.; and when gentlemen come to me and say that this is a compromise, I answer, with my friend from Maine, that I will not vote for it, unless you will give me the fair twenty per cent.; and this cannot be done without adopting the principle of a home valuation. I do not vote for this bill because I think it better than the tariff of 1832, nor because I fear nullification or secession; but from a motive of concession, yielding my own opinions. But if southern gentlemen will not accept this measure in the spirit for which it was tendered, I have no reason to vote for it. I voted, said Mr. C., against the bill of '32, for the very reason that southern gentlemen declared that it was no concession; and I may vote against this for the same reasons. I thought it bad policy to pass the bill of '32. I thought it a bad bargain, and I think so now. I have no fear of nullification or secession; I am not to be intimidated by threats of southern gentlemen, that they will get a better bill at the next session. "Rebellion made young Harry Percy's spurs grow cold." I will vote for this measure as one of conciliation and compromise; but if the clause of the Senator from Kentucky is not inserted, I shall be compelled to vote against it. The protective system never can be abandoned; and I, for one, will not now, or at any time, admit the idea.

Mr. SMITH said he did not believe that frauds occurred by invoice, to the extent which the gentleman supposed. He knew that the greater portion of the merchants of this country did not commit fraud, though foreign agents might do it. If the bill should pass, he thought appraisers just as likely to commit frauds as merchants. Mr. S. concluded with a minute numerical estimate of the difference between home and foreign value.

Mr. DALLAS was opposed to the proposition from the committee, and agreed with Mr. Calhoun. He would state briefly his objection to the proposition of the committee. Although he was from a State strongly disposed to maintain the protective policy, he labored under an impression, that if any thing could be done to conciliate the Southern States, it was his duty to go for a measure for that purpose; but he should not go beyond it. He could do nothing in this way, as representing his particular district of the country, but only for the general good. He could not agree to incorporate in the bill any principle which he thought erroneous or improper. He would sanction nothing in the bill as an abandonment of the principle of protection. Mr. D. then made a few remarks on home and foreign valuation, to show the ground of his objections to the amendment of Mr. CLAY, though it did not prevent his strong desire to compromise and conciliation.

Mr. CLAY was delighted to hear the Senator express a disposition so favorable; he thought, with such a disposition, the measure could not fail, however great the practical difficulties. He thought it was premature to agitate now the details of a legislation which might take place nine years hence. The Senator from South Carolina had objected to the amendment on constitutional grounds. He thought he could satisfy him, and every Senator, that there was no objection from the constitution.

He asked if it was probable that a valuation in Liverpool could escape a constitutional objection, if a home valuation were unconstitutional? There was a distinction in the foreign value, and in the thing valued. An invoice might be made of articles at one price in one port of England, and in another port at another price. The price, too, must vary with the time. But all this could not affect the rule. There was a distinction which gentlemen did not observe, between the value and the rule of valuation; one of these might vary, while the other continued always the same. The rule was uniform with regard to direct taxation; yet the value of houses and lands of the same quality are very different in different places. One mode of home valuation was, to give the Government, or its officers, the right to make the valuation after the one which the importer had given. It would prevent fraud, and the rule would not violate the constitution. It was an error that it was unconstitutional; the constitution said nothing about it. It was absurd that all values must be established in foreign countries; no other country on earth should assume the right of judging. Objections had been made to leaving the business of valuation in the hands of a few executive officers; but the objections were at least equally great to leaving it in the hands of foreigners. He thought there was nothing in the constitutional objection, and hoped the measure would not be embarrassed by such objections.

Mr. FORSYTH was opposed to the Senate deciding a question for their successors. He was opposed to putting any thing into the bill which was bad in theory; but he thought no pledges could be given with regard to the future action of Congress.

Mr. SMITH made a further comparison between home and foreign valuation.

Mr. KANE objected to the home valuation, as necessarily at variance with the clause in the constitution, which requires that no preference should be made of one port over another.

Mr. SILSBEE entered largely into the details of the subject, and objected to the adoption of a system now, which would go into operation eight years hence.

Mr. CALHOUN said that he listened with great care to the remarks of the gentleman from Kentucky, and other gentlemen, who had advocated the same side, in hopes of having his objection to the mode of valuation proposed in the amendment removed; but he must say, that the difficulties he first expressed still remained. Passing over what seemed to him to be a constitutional objection, he would direct his observation to what appeared to him to be its unequal operation. If by the home valuation be meant the foreign price, with the addition of freight, insurance, and other expenses at the port of destination, it is manifest that as these are unequal between the several ports in the Union—for instance, between the ports of New York and New Orleans—the duty must also be unequal in the same degree, if laid on value thus estimated. But if, by the home valuation be meant the prices current at the place of importation, then, in addition to the inequality already stated, there would have to be added the additional inequality resulting from the different rates of profits, and other circumstances, which must necessarily render prices very unequal in the several ports of this widely extended country. There would, in the same view, be another and a stronger objection, which he alluded to in his former remarks, which remained unanswered—that the duties themselves constitute part of the elements of the current prices of the imported articles; and that, to impose a duty on a valuation ascertained by the current prices, would be to impose, in reality, a duty upon a duty, and must necessarily produce that increased progression in duties, which he had already attempted to illustrate.

He knew it had been stated, in reply, that a system which would produce such absurd results could not be contemplated; that Congress, under the power of regulating, reserved in the amendment, would adopt some mode that would obviate these objections; and, if none such could be devised, that the provisions of the amendment would be simply useless. His difficulty was not removed by the answer to the objection. He was at a loss to understand what mode could be devised free from objection; and, as he wished to be candid and explicit, he felt the difficulty, as an honest man, to assent to a general measure, which, in all the modifications under which he had viewed it, was objectionable. He again repeated, that he regretted the amendment had been offered, as he felt a solicitude that the present controversy should be honorably and fairly terminated. It was not his wish that there should be a feeling of victory on either side. But, in thus expressing his solicitude for an adjustment, he was not governed by motives derived from the attitude which South Carolina occupied, and which the Senator from Delaware stated to influence him. He wished that Senator, as well as all others, to understand that that gallant and patriotic State was far from considering her situation as one requiring sympathy, and was equally far from desiring that any adjustment of this question should take place with the view of relieving her, or with any other motive than a regard to the general interests of the country. So far from requiring commiseration, she regarded her position with very opposite light, as one of high responsibility, and exposing her to no inconsiderable danger; but a position voluntarily and firmly assumed, with a full view of consequences, and which she was determined to maintain till the oppression under which she and the other Southern States were suffering was removed.

In wishing, then, to see a termination to the present state of things, he turned not his eyes to South Carolina, but to the general interests of the country. He did not believe it was possible to maintain our institutions and our liberty, under the continuance of the controversy which had for so long a time distracted us, and brought into conflict the two great sections of the country. He was in the last stage of madness who did not see, if not terminated, that this admirable system of ours, reared by the wisdom and virtue of our ancestors—virtue, he feared, which had fled forever—would fall under its shocks. It was to arrest this catastrophe, if possible, by restoring peace and harmony to the Union, that governed him in desiring to see an adjustment of the question.

Mr. CLAYTON said, this point had been discussed in the committee, and it was because this amendment was not adopted that he had withheld his assent from the bill.

They had now but seven business days of this session remaining; and it would require the greatest unanimity, both in that body and in the other House, to pass any bill on this subject. Were gentlemen coming from the opposite extremes of the Union, and representing opposite interests, to agree to combine together, there would hardly be time to pass this bill into a law; yet if he saw that it could be done, he would gladly go on with the consideration of the bill, and with the determination to do all that could be done. The honorable member from South Carolina had found insuperable obstacles where he (Mr. C.) had found none. On their part, if they agreed to this bill, it would only be for the sake of conciliation; if South Carolina would not accept the measure in that light, then their motive for arrangement was at an end. He (Mr. C.) apprehended, however, that good might result from bringing the proposition forward at that time. It would be placed before the view of the people, who would have time to reflect and make up their minds upon it against the meeting of the next Congress. He did not hold any man as pledged by their action at this time. If the arrangement was found to be a proper one, the next Congress might adopt it. But, for the reasons he had already stated, he had little hope that any bill would be passed at this session; and, to go on debating it, day after day, would only have the effect of defeating the many private bills and other business which were waiting the action of Congress. He would therefore propose to lay the bill for the present on the table; if it were found, at a future period, before the expiration of the session, that there was a prospect of overcoming the difficulties which now presented themselves, and of acting upon it, the bill might be again taken up. If no other gentleman wished to make any observations on the amendment, he would move to lay the bill on the table.

Mr. **BIBB** requested the Senator from Delaware to withdraw his motion, whilst he (Mr. B.) offered an amendment to the amendment, having for its object to get rid of that interminable series of duties of which gentlemen had spoken.

Mr. **CLAYTON** withdrew his motion.

Mr. **BIBB** proceeded to say, that his design was to obviate the objection of the great increase that would arise from a system of home valuation. He hoped that something satisfactory would be done this session yet. He should vote for every respectable proposition calculated to settle the difficulty. He hoped there would be corresponding concessions on both sides; he wished much for the harmony of the country. It was well known that he (Mr. B.) was opposed to any tariff system other than one for revenue, and such incidental protection as that might afford. His hope was to strike out a middle course; otherwise, he would concur in the motion that had been made by the Senator from Delaware, [Mr. Clayton.] Mr. B. then submitted his amendment, to insert the words "before payment of," &c.

Mr. **CLAY** was opposed to the amendment, and he hoped his worthy colleague would withdraw it. If one amendment were offered and debated, another, and another would follow; and thus, the remaining time would be wasted. To fix any precise system would be extremely difficult at present. He only wished the principle to be adopted.

Mr. **BIBB** acceded to the wish of the Senator from Kentucky, and withdrew his amendment accordingly.

Mr. **POINDEXTER** expressed a hope that the measure would not be defeated by a difference on speculative points. If the principle was favorable to the South, as well as a general compromise between both parties, why not adopt it? It was for after legislation to arrange the details. The present measure should not thus be set aside; its beneficial effects would be felt throughout the Union.

Mr. **TYLER** was opposed to the principle of this home valuation. The duties would be taken into consideration in making the valuations; and thus, after going down hill for nine and a half years, we would as suddenly rise up again to prohibition. He complained that there were not merchants enough on this floor from the South; and, in this respect, the Northern States had the advantage. But satisfy me, said Mr. T., that the views of the Senator from South Carolina [Mr. Calhoun] are not correct, and I shall vote for the proposition.

Mr. **MOORE** said he would move an amendment, which he hoped would meet the views of the gentlemen on the other side; it was to this effect:

Provided, That no valuation be adopted that will operate unequally in different ports of the United States.

Mr. **BLACK** made a few remarks in favor of this amendment.

Mr. **CALHOUN** also wished that the amendment would prevail, though he felt it would be ineffectual to counteract the inequality of the system. But he would raise no cavilling objections; he wished to act in perfect good faith; and he only wished to see what could be done.

Mr. **HOLMES** asserted, that every valuation that could be made would be the same in different ports. He instanced the port of New Orleans, and any of the northern ports, to show that the valuation might be twenty per cent. higher in the former place.

Mr. **MOORE** said he had this much to answer to the gentleman from Maine, when he expressed the wish that he had time to prove his position. The gentleman had already had ten years to prove the doctrine that high duties made low prices. The same doctrine was advanced on the passage of the first tariff, and yet scarcely a man in the country now believed it. He had, Mr. M. said, but two motives in offering the amendment to the amendment of the Senator. The first was, to get rid of the constitutional objections to the amendment of the Senator from Kentucky; and the second was, to do justice to those he had the honor to represent. The honorable gentleman said that Mobile and New Orleans would not pay higher duties, because the goods imported there would be of more value; and this was the very reason, Mr. M. contended, why the duties would be higher. Did not every one see that if the same article was valued in New York at one hundred dollars, and in Mobile at one hundred and thirty-five dollars, the duty of twenty per cent. would be higher at the latter place? He had nothing but the spirit of compromise in view, and hoped gentlemen would meet him in the same spirit. He would now propose, with the permission of the Senator from Maine, to vary his motion, and offer a substitute in exact conformity with the language of the constitution. This proposition being admitted by general consent, Mr. Moore modified his amendment accordingly.

Mr. **FORSYTH** supported the amendment of the Senator from Alabama, and hoped it would meet the approbation of the Senate. It would get rid of all difficulty about words. No one, he presumed, wished to violate the constitution; and if the measure of the Senator from Kentucky was consistent with the constitution, it would prevail; if not, it would not be adopted.

After some further remarks from Messrs. **SMITH**, **CALHOUN**, **CLAY**, and **MILLER**,

Mr. **HOLMES** moved an adjournment.

Mr. **MOORE** hoped the question on the amendments, at least, would be taken that evening.

Mr. **HOLMES** and other gentlemen having expressed their objections,

Mr. **MOORE** asked for the yeas and nays on the motion to adjourn, and they were accordingly ordered, when the question was taken, and decided in the affirmative—Yeas 22, nays 19, as follows:

YEAS.—Messrs. Bell, Clayton, Dallas, Dickerson, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Kane, Knight, Naudain, Prentiss, Robbins, Robinson, Silsbee, Smith, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—22.

NAYS.—Messrs. Bibb, Black, Buckner, Calhoun, Clay, Dudley, Grundy, Hendricks, Hill, King, Miller, Moore, Poindexter, Sprague, Rives, Troup, Tyler, White, Wright.—19.

The Senate then, at half-past four o'clock, adjourned.

FRIDAY, FEBRUARY 22.

THE TARIFF.

The Senate having resumed the bill to modify the act of 14th July, 1832, and all other laws imposing duties on imports, the question being on Mr. CLAY's amendment, providing that the proposed rate of duty payable after 1842 should be computed upon the value of merchandise at the port of importation,

Mr. HILL said, he regretted very much that the Senator from Kentucky, [Mr. CLAY,] after having gratuitously extended the olive branch, after having been complimented by gentlemen who represented the "aggrieved South," and who could there allay the storm that had been raised by ambitious politicians for mercenary purposes, as a "pacificator" and "mediator," should snatch the cup from the lips of the friends of the Union by interposing an amendment. What is the object of this amendment? So far from affecting the present rate of duties, it does not touch an article for nearly ten years! Nor is it at all binding on any future Congress, let the principle be declared as it will. I could not, were I in any other place, believe gentlemen to be in earnest when they were contending for the points of difference between the bill as it stands, and the bill as it will stand when amended. It can be of no consequence here to discuss the point, whether the public interests will be better consulted by a "home valuation" ten years hence, or the valuation as now made. I consider the present valuation as virtually a home valuation: if not so, where is the use of appraisers in the several ports as now provided by law? If by the amendment the price of freight is to be added at the several ports; if the prices are to fluctuate from week to week, and from month to month, as goods are plenty or scarce, the amendment ought to be rejected, and no future Congress will regard our mandate for enforcing the adoption of its principles. If it intends the raising of the duties five, ten, or twenty per cent., the people will never suffer any Congress to adopt it.

Sir, I must confess that I do not like the principles of the bill with or without the amendment. I know the reduction is not as rapid as the public sentiment in my State calls for. The people of New Hampshire, for their own sakes, want a large reduction of the taxes on all articles which they consume, when those taxes are no longer needed for the support of the public expenses; they do not want to wait eight or ten years before that reduction shall take place so as to be felt. They will consider the reduction made in this bill as too slow; they will think the time too much extended; and they will not allow their Senators or Representatives to pledge the public faith that the reduction shall not be more rapid. The laboring farmers and mechanics of New England will not be pleased to learn that the duties on coarse woollens are to be raised, as they are by this bill, from five per cent. to fifty per cent. Nevertheless, for the sake of peace, for the gratification of their brethren of the South, they will even consent to make this sacrifice.

I was not more impressed than delighted to hear the Senator from South Carolina declare that he was satisfied with the reduction contained in this bill. We, in the North, having in view the peace of the country, will, for the present, be content to take any reduction that shall satisfy the South. We shall even be willing to do all in our power to make the system permanent, so the Senators from the South shall pledge their influence to put an end to the tremendous contest which threatens the dismemberment of this Government.

The amendment, I repeat, Mr. President, is too trifling to protract the passage of the bill for one moment. I am opposed to the amendment; but I will not, even should that be adopted, so the South shall be satisfied, for a moment hesitate to give the bill my support. If there be an intention in earnest to settle this question in this body in those several quarters where such intention has been declared, two days will not have gone over our heads before the bill shall pass this body. I will cheerfully support the bill, although, in doing this, I will not consent permanently to pledge myself to support the free trade principle. I will never consent permanently to give up that incidental protection which, without injury to the great whole, may be extended to useful interests that shall require the fostering aid of the Government.

Mr. SMITH (of Md.) said, the motion to amend by the word "uniform" was unnecessary. That was provided for by the constitution. "All duties must be uniform." An addition to the cost of goods of forty, fifty, or sixty per cent. would be uniform, but would not prevent fraud, nor the certainty of great inequality in the valuation in the several ports. The value of goods at New Orleans particularly, and at almost every other port, will be higher than at New York. I have not said that such mode was unconstitutional, nor have I said that it was impracticable; few things are so. But I have said, and do now say, that the mode is open to fraud, and more so than the present. At present the merchant enters his goods, and swears to the truth of his invoice. One package in every five or ten is sent to the public warehouse, and there carefully examined by two appraisers on oath. If they find fraud, or suspect fraud, then all the goods belonging to such merchants are sent to the appraisers; and if frauds be discovered, the goods are forfeited. No American merchant has ever been convicted of such fraud. Foreigners have even been severely punished by loss of their property. The laws are good and sufficiently safe as they now stand on our statutes. I wish no stronger; we know the one, we are ignorant how the other will work. Such a mode of valuation is unknown to any nation except Spain, where the valuation is arbitrary; and the goods are valued agreeably to the amount of the bribe given. This is perfectly understood and practised. It is in the nature of such mode of valuation to be arbitrary. No rule can be established that will make such mode uniform throughout the Union, and some of the small ports will value low to bring business to their towns. A scene of connivance and injustice will take place that no law can prevent.

The merchant will be put to great inconvenience by the mode proposed. All his goods must be sent to the public warehouses, and there opened piece by piece; by which process they will sustain essential injury. The goods will be detained from the owners for a week or a month, or still more, unless you have one or two hundred appraisers in New York, and proportionately in other ports; thus increasing patronage; and with such a host, can we expect either uniformity or equality in the valuation? All will not be honest, and the Spanish mode will be adopted. One set of appraisers, who value low, will have a priority. In fact, if this mode should ever be adopted, it will cause great discontent, and must soon be changed. As all understand the cause to be to flatter the manufacturers with a plan which they think will be beneficial to them, but which, we all know, can never be realized, it is deception on its face, as is almost the whole of the bill now under our consideration.

Mr. President, whilst I am up, I will, with your permission, take a view of the bill, as it appears to me. Indeed, sir, it is not easy to be understood. We have not had time to consider it as we ought. Our minds have all been occupied on another great subject. When first read, I thought it was a biennial deduction of one-tenth of the whole duties levied by the act of 1832; but I find that it only deducts the excess between twenty per cent., the lowest point, and the highest duty in force by that act. Hurried as I have been, I last night made a synopsis of a few of the articles. I had not time to make more. The first I shall notice is woollens. Agreeably to the bill, the duties on that article are to remain subject to its present duty of fifty per cent. until the last of December; and to those paying that duty are to be added all those under a cost of thirty-five cents the square yard, which, under the act of 1832, were to pay only a duty of five per cent.—thus levying an excess of forty-five per cent. on the laboring class—in fact, on the poor, and on the masters of the laborers of the South; for with that description are the slaves clothed. I presume that two-thirds of the whole amount raised from that kind of goods will fall on the owners of slaves; nor is the amount a trifle. Agreeably to a report on our table, the value of those goods imported in 1831 amounted to one million and fifty thousand dollars. The additional duty imposed by this bill would amount to nearly half a million. It will greatly exceed that sum in the importation of 1833. I know it will, and we all know that it will. For the low duty will have increased importation longer than usual of that description of woollens. I now, Mr. President, proceed to my synopsis. During the whole of the present year, 1833, the duty on woollens will remain at fifty per cent., being the duty imposed by the act of 1832; of course, no lessening whatever of the revenue. After December next, the duty will be forty-seven per cent. until the 20th of September, 1835, when it will be forty-four per cent., and will continue at that rate until the 20th of September, 1837: from which day, until the same day in 1839, it will be forty-one per cent., and continue at that rate until the same day in 1839, when it will fall to thirty-eight per cent.; and remain at that until the same day in 1841, when it will fall to twenty-nine per cent.; and remain at twenty-nine per cent. until the same day in 1842, when it will be reduced to its ultimate rate of twenty per cent., and there remain stationary.

It will be seen, Mr. President, that during the whole of the present year, the enormous duty of fifty per cent. on woollens will remain; that it drops every two years, until the 20th of September, 1841, being eight years, down to thirty-eight per cent. That duty is too high, and more than necessary to a fair protection. The people are then to be saddled with those enormous duties for eight years. What for, sir? I ask—for revenue? Oh, no, don't say so; we all know that it is for protection—avowed by the chairman; he has been fair and open, and has so declared, that it is for protection, and that alone; and yet South Carolina and all the South vote for the bill, completely relinquishing the principle against which South Carolina stands ready to go to the death against the Government, and has actually prepared for war. The reason assigned is conciliation. That is, we are to be whipped into the passage of a bill which few, if any, approve, to gratify South Carolina. And will she be conciliated by this bill? We have no reason to believe so from any of her publications. Her ultimatum is far, very far different. She will not be satisfied unless she has begun to think that she has gone too far, and is quite willing to retrace her steps. If she shall be satisfied by the bill, it will only show that she is easily reconciled, and makes no sacrifice of any thing but principle—and that costs no money.

I remember well, that a friend of mine from North Carolina had no great objection to the act of 1832, except to the high duty on woollens; but stated in his place that he would vote against the bill, because the principle of protection was retained in it; and, sir, the present Governor of South Carolina said that he would vote for no bill in which the principle of protection was to be found. Now, sir, this bill contains that principle from the beginning to the end; and the chairman [Mr. Clay] has fairly and honestly told the gentlemen from the South that they must so understand it. I, Mr. President, have no objection to discriminating duties that shall incidentally give protection to our manufactures, and which are necessary to our revenue. I am, in principle, a friend to the manufacturers. I voted against the act of 1824 and 1828, because I thought that excessive protection would cause a reaction, and so I said. I opposed the duty of fifty per cent. on woollens in the act of 1832, because it was excessive. Had the duty in the bill of thirty-five per cent. been retained, the tariff would have been a good one, and there would have been little of complaint. We would now have nothing more to do than to have proportionately reduced it, so as to lessen the revenue to the wants of the Government. In a speech I made on the tariff of 1832, I warned the tariff men not to persist in the course they were pursuing. I then hinted at that which has happened, without effect; the tariff men would not bend to circumstances. We now see some of them crouching to the whip that has been raised over them; and the apology to themselves is, that at a future day they may be able to regain that which they have lost; and with that they expect to gull the manufacturers. The Southrons flatter themselves that this is only an entering wedge, and that the next Congress will take up the subject, and reduce the duty on woollens to thirty, twenty-five, or some think even to twenty per cent. I believe that the manufacturers want a tariff that they might calculate on as being permanent, and that all would be satisfied with thirty per cent., and many of them with twenty-five per cent; either of which would have my concurrence. If I had been on the committee, I would have proposed to reduce the duty on woollens five per cent. per annum for four years, and have stopped at thirty per cent.; or for five years, which would have brought the duty down to twenty-five per cent.; either of which the manufacturers would have considered permanent, and they would have been content; especially if the duty on wool had been reduced, so that they might have had the raw material as low as in England.

Mr. President, I will now notice a few other articles. Lead is a prominent article—one indispensable in time of war; this bill destroys most completely the miners of that article. Assuming that lead costs four cents per pound in England, the present duty being three cents per pound, would be equal to seventy-five per cent.; the excess above twenty per cent. would then be fifty-five per cent.; and the reduction would be, after 1833, two cents seven-eighths mills; after 1835, two cents five-sixths mills; after 1837, two cents three-fourths mills; after 1839, two cents one-half mills; after 1841, one cent four-sixths mills; and after 1842, to eight-tenths, or the twelfth part of a cent per pound.

On Sugar.—Assuming the price abroad to be three cents per pound, the duty being three cents per pound, would be equal to one hundred per cent. The excess would then be one hundred per cent., and the reduction thus: After 1833, two cents seven-sixths mills; after 1835, two cents two-fifths mills; after 1837, two cents two-eighths mills; after 1839, two cents four mills; after 1841, one cent three-seconds mills; and after 1842, six-tenths mills, or one-sixteenth of a cent. The duty levied on sugar by the act of 1832 is two and one-half cents. In 1835, it will by this bill be about the same, and after that it lessens to two cents, and goes down in 1842 to little more than half a cent. The parties have pledged themselves that this bill shall be permanent; if so, what will become of the sugar plantations? and yet the Senators from Louisiana vote for this bill, which will bring ruin on the sugar planter, under the vain hope held out to them by the Senator [Mr. Clay] that a reaction will happen; not reflecting that they by their vote allow that the planters can sustain themselves against Cuba with a protection of little more than half a cent per pound. No reaction can help them.

On Hemp.—Assuming that hemp costs in Russia one hundred and fifty dollars per ton, the duty being forty dollars per ton, would be equal to twenty-six and two-thirds per cent.; the excess of which over twenty would be six and two-thirds per cent., or ten dollars; and the reduction thus, taking one-tenth the excess: After 1833, thirty-nine dollars; after 1835, thirty-eight dollars; after 1837, thirty-seven dollars; after 1839, thirty-six dollars; after 1841, thirty-three dollars; and after 1842, thirty dollars: a full and fair protection, of which Kentucky ought not to complain.

Mr. President, these are all the items which I have particularly considered; yet there are a number of manufactures equally exposed to ruin. Coal from the mines will suffer severely. The duty on it will be reduced to about two cents from six the bushel. The ironmasters will be ruined; for the duty on rolled iron will be only six dollars the ton, and on hammered twelve dollars. All our distilleries will suffer; for the duty on rum, brandy, and gin will not exceed ten cents the gallon; and yet the high priest of the American system has abandoned all those great objects to inevitable ruin; and what for? I leave to every man who thinks, what may be the true consideration. I omitted gunpowder, which, with all the material for war, will pay little duty.

Remember, Mr. President, that the Senators from Kentucky and South Carolina [Mr. Clay and Mr. Calhoun] have declared this bill (if it should become a law) to be permanent, and that no honorable man who shall vote for it can ever attempt a change; yet, sir, the pressure against it will be such at the next session that Congress will be compelled to revise it; and as the storm may then have passed over Congress, a new Congress, with better feelings, will be able to act with more deliberation, and may pass a law that will be generally approved. Nearly all agree that this bill is a bad bill. A similar opinion prevailed on the passage of the tariff of 1828, and yet it passed, and caused all our present danger and difficulties. All admit that the act of 1828, as it stands on our statutes, is constitutional. But the Senator [Mr. Calhoun] has said that it is unconstitutional, because of the motive under which it passed; and he said that that motive was protection to the manufacturers. How, sir, I ask, are we to know the motives of men? I thought then, and think now, that the approaching election for President tended greatly to the enactments of the acts of 1824 and 1828; many of my friends thought so at the time. I have somewhere read of the minister of a King or Emperor in Asia, who was anxious to be considered a man of truth, and always boasted of his veracity. He hypocritically prayed to God that he might always speak the truth. A Genii appeared and told him that his prayer had been heard, touched him with his spear, and said, hereafter you will speak truth on all occasions. The next day he waited on his Majesty and said, Sire, I intended to have assassinated you yesterday, but was prevented by the nod of the officer behind you, 'who is to kill you to-morrow. The result I will not mention. Now, Mr. President, if the same Genii was to touch with his spear each of the Senators who voted for the act of 1828, and an interrogator was appointed, he would ask, what induced you to give that vote? Why, sir, I acted on sound principles. I believe that it is the duty of every good Government to promote the manufactures of the nation; all historians eulogize the Kings who have done so, and censure those Kings who have neglected them. I refer you to the history of Alfred. It is known that the staple of England was wool, which was sent to Flanders to be exchanged for cloths. The civil wars, by the invasions of that nation, kept them long dependent on the Flemings for the cloths they wore. At length a good King governed; and he invited Flemish manufacturers to England, and gave them great privileges. They taught the youth of England, the manufacture succeeded, and now England supplies all the world with woollen cloth. The interrogator asked another the same questions. His answer might have been, that he thought the passing of the law would secure the votes of the manufacturers in favor of his friend who wanted to be the President. Another answer might have been, a large duty was imposed on an article which my constituents raised; and I voted for it, although I disliked all the residue of the bill. Sir, the motives, no doubt, were different that induced the voting for that bill, and were, as we all know, not confined to the protective system. Many voted on political grounds, as many will on this bill, and as they did on the enforcing bill. We cannot declare a bill unconstitutional, because of the motives that may govern the voters. It is idle to assign such a cause for the part that is now acting in South Carolina. I know, Mr. President, that no argument will have any effect on the passage of this bill. The high contracting parties have agreed. But I owed it to myself to make these remarks.

Mr. FOOT said, this was a measure of compromise, and he hoped it would be considered and disposed of as such.

Mr. HOLMES expressed a hope that the conflicting interests of the country would be reconciled. He said that if that bill should be passed, under any modification, and the votes of the South should be found against the bill, he would himself move a reconsideration of the vote, with a view to lay the bill on the table, or to postpone it. He would not sacrifice any interests of the North and the East, unless such sacrifice was to be received in a proper spirit by the South.

Mr. WRIGHT said, besides the original amendment, there was also a modification of it pending, offered by the Senator from Alabama, [Mr. Moore.] He thought there could be no objection to adopt the modification, as the amendment itself would still be open for rejection. There had been a constitutional objection raised against the principle of the amendment. He thought it was not liable to any constitutional objection. By the provision in the constitution that all duties shall be uniform throughout the United States, he understood it to mean, that when a duty is imposed in one port, the same is to be imposed in another, no matter how adopted; that the laws regulating it are to be the same; that the laws regulating charges, insurances, exchanges, &c. that shall enter into the one, shall enter into the other. This was all that he understood by the provision that all imposts shall be uniform. But we are told, said Mr. W., that the amendment would be unconstitutional, because those various charges will not be the same in every port. But the provision of the constitution, under any circumstances, could not meet these contingencies; exchange may this week be higher in New Orleans, in the next week higher in New York. Insurances must also fluctuate at different seasons of the year; at one period freight may be higher from Liverpool to New York, or any other port, than at another; because it may not be the season for return cargoes. These were contingencies that could never be obviated, and must always exist. On the constitutional question, it was also objected, "that no preferences shall be given to one port over another;" and gentlemen tell us that freight will be higher in New Orleans than in New York; that, consequently, the valuation of duties must be higher. But would this be the result of any law Congress might enact? I answer, assuredly not. Even pass a law making duties free, the same contingencies must arise. As regarded the measure itself, he would express his anxiety that Congress should pass some law this session, that will operate as a compromise between conflicting interests; and he would say that this was his sincere desire. He had already mentioned his views of the constitutional objections raised to the amendment; but he would add, that other difficulties presented themselves to his mind. He would ask what would be the practical effect of adopting a system of home valuation? What could be the standard of judging along our extended coast?

He must say that no standard could be fixed that must not vary materially. Mr. W. referred to the difficulty at this day, of fixing any standard in the single city of New York, from the various interests that arose under the auction system and others; and held, when this difficulty arose in one city, the more extended it was, the more must those difficulties increase. Another difficulty, in which he concurred, was presented by the Senator from Maryland, [Mr. Smith,] that it would cause a general competition to bring the valuation lower in one place than another; and the result would be, that the valuation would be lower than the real intrinsic worth. From the fluctuations of trade, it would be impossible to fix any thing like a correct home valuation; thus would the foreign be preferable. Mr. W. further held, that this competition to reduce the valuation would produce an excess of importation; that, consequently, the price of home manufactures must fall in proportion; and that the effect would be injurious to the manufacturers themselves. He was opposed to the principle of pledging their successors; he would say for himself that he should not consider it as binding, and that it appeared to him to be a clause of only a nugatory character.

Mr. HOLMES replied to the objections which had been urged against the amendment by the Senator from New York. He suggested various difficulties and hardships which would result from the foreign valuation, and which far outweighed those which had been advanced against the home valuation. He stated that there was no other commercial nation in the world which adopted the rule on which we have acted in this respect.

Mr. WEBSTER said, that he held the home valuation to be, to any extent, impracticable; and that it was unprecedented, and unknown in any legislation. Both the home and foreign valuation ought to be excluded as far as possible, and specific duties should be resorted to. This keeping out of view specific duties, and turning us back to the principle of a valuation, was, in his view, the great vice of this bill. In England five out of six, or nine out of ten articles, pay specific duties, and the valuation is on the remnant. Among the articles which pay ad valorem duties in England are silk goods, which are imported either from India, whence they are brought to one port only; or from Europe, in which case there is a specific and an ad valorem duty; and the officer has the option to take either the one or the other. He suggested that the Senate, before they adopted the ad valorem principle, should look to the effects on the importation of the country.

He took a view of the iron trade, to show that evil would result to that branch from a substitution of the ad valorem for the specific system of duties. He admitted himself to be unable to comprehend the elements of a home valuation, and mentioned cases where it would be impossible to find an accurate standard of valuation of this character. The plan was impracticable and illusory.

Mr. W. then made some remarks on the views taken by the Senators from Delaware and Maine in support of the amendment.

Mr. CLAYTON said, in answer to a remark of Mr. Webster, that, in fixing a home valuation, it was not his meaning to make a proposition to a future Congress, but a law. When the duty will be twenty per cent., it is to be assessed at the port where it is delivered. He held a home valuation to be not only practicable, but highly important; without which, he would not vote for the bill.

The Senator from Massachusetts tells us, however, that he thinks it wholly impracticable; he even goes so far as to say that it is unprecedented, unknown in history. I ask him, what nation in Europe has not adopted it?

[Mr. WEBSTER said, he meant that the practice of laying a general ad valorem valuation was unprecedented.]

It is urged, continued Mr. C., both by the Senators from Massachusetts and New York, that there can be no uniformity on home valuation. We are told that importations will be mostly made to that place where the price is lowest, in order to avoid the higher duties. Sir, will not importers take their goods where they can get the highest price, and, of course, where the duties will be highest on a home valuation? To complete the system now is not possible; but I will suggest to the gentlemen so much as to show that there is nothing impracticable in the attempt to make the assessment uniform. We may suppose some such plan as that practised in Turkey. There the duties are taken in kind. If that plan should be adopted, there can be no doubt of its uniformity. I do not urge the Government to take this plan; but I adduce it as a proof that there may be uniformity.

Sir, will goods go where the price is the lowest? They will go, on the contrary, where the most can be got for them, and, consequently, where Government will derive most from their sale. I am willing to trust the whole subject of reducing to a standard of value to a future Congress; but I shall not vote for the bill without the principle of a home valuation; it is most important to this country; and I consider it important, not only on my own judgment, but the judgment of others on whom I can depend; it is all important to introduce the principle into the legislation of this country.

I said I would go for this bill only for the sake of concession. The Senator from South Carolina can tell whether it is likely to be received as such, and to attain the object proposed; if not, I have a plain course to pursue; I am opposed to the bill. Unless I can obtain for the manufacturers the assurance that the principle of the bill will not be disturbed, and that it will be received in the light of a concession, I shall oppose it.

Mr. CLAY said, he did not rise to throw himself into the discussion which had been so much prolonged, but to ask every Senator, in candor—and he believed they all acted in that feeling—whether it was right to go forward to the year 1842, and take up and discuss a thousand difficulties that may or may not then arise. Say, sir, the House is in a conflagration; will it be said, don't put out the fire, because the like may occur ten years hence? We want peace: no, you shall not have it for ten years hence; another war may arise. We want to terminate all differences: no, you shall not, for ten years hence we may be involved in new ones. The worthy Senator from Maryland [Mr. Smith] said he was opposed to the present measure, but that the tariff bill of 1832 was a good one.

[Mr. SMITH made a remark on the want of permanency of the measure.]

Mr. C. presumed that no human policy could be so considered. If the tariff bill of 1832 were a good one, the present one could not be bad. It had also been said that no other country had adopted a general ad valorem system. This might be true; but does the present do so? Not for ten years hence. It leaves the minimums precisely as in the bill of last year, and the specific duties are left till the year 1842. He had little doubt on his mind but against that period, lead, spirits, and Virginia coal would be subjected to specific duties. But is it necessary for us now to legislate for what may be then requisite? The object of the present measure was to conciliate conflicting interests, and to preserve the manufacturer till that period. He was persuaded that lead, and the other articles he had mentioned, could not exist at a duty under twenty per cent.; but no one could tell what might be necessary ten years after this. He was inclined to think, that, at that time, specific duties would, in certain cases, be found necessary. In the original draught of his bill he had left cotton free after the year 1842; and, in doing this, his object was to get the South to adopt a system that would be beneficial to all. Gentlemen had argued that it was impracticable to come to an ad valorem duty; but we did not do so, and why not leave that to the wisdom of the Congress of that day? He did not rise to prolong the discussion, but to implore the Senate to decide on the question before them at once. Too much time had already been wasted. The question was simple—let us go into it. It is merely, shall we adopt the modification of the gentleman from Alabama, [Mr. MOORE,] to make the valuation uniform? Let us vote on that, and then we shall come to the vote on the other. For himself, he should vote against the gentleman's proposition; for he thought it of no use. If his own amendment, though, were adopted, it would leave the principle open to future legislation.

The question was then taken on Mr. MOORE's amendment, when it was negatived; eleven voted in its favor, the majority not counted.

Mr. DICKERSON gave a brief history of the duties since the commencement of the Government, and the effects of valuations; and alluded particularly to additions of ten and twenty per cent., which had been formerly added to the foreign value, but had lately been repealed. He desired a valuation much greater than what it now is, as it now induces the people to believe that they have more protection than they receive. He did not so much object to the regulation of home valuation, though he thought it incorrect; yet he preferred the addition of ten and twenty per cent., because the substitute was more unequal. It would not hurt the manufacturers, but it would embarrass the importers. The Senator from Kentucky had represented the home valuation of the bill as no more than a principle; others, as a mere proposition to a future Congress. He was unwilling to part with the substantial interest of his constituents, either for a proposition or a principle.

Mr. D. then moved to strike out the word "law," at the end of the first section, and insert the words, "the Secretary of the Treasury, with the approbation of the President of the United States."

Mr. CLAY was opposed to the amendment. He doubted their constitutional power to refer such a duty to the President and his Secretary. The object of his own original amendment was, to leave it to a future Congress, to act, in detail, on the principle of the amendment. It would be necessary to have many appraisers to carry out the principle of Mr. D.'s amendment, and, after all, it would, in its operation, be the same as his own. The gentleman undertakes to make out the details now; or worse, to refer it to the President and his Secretary. Mr. C. would be glad to go into details now; but there would not be time.

Mr. BUCKNER said he was opposed to the amendment of Mr. DICKERSON, for the reasons assigned by the Senator from Kentucky. He was not willing to leave the adjustment of this matter to any branch of the Government other than the National Legislature. The whole object of this bill, as he understood it, was to calm the unquiet and agitated state of the country; but if this amendment, said he, take effect, we shall leave the question as unsettled as when we commenced it. He objected to the amendment, because it was throwing a responsibility on the Executive and his Secretary, and, in consequence, giving a patronage which he, for one, was not disposed to sanction by his vote. While up, he must, he said, be permitted to make one or two remarks respecting the range the debate had taken. The proposition to amend of the gentleman from Kentucky had drawn forth a lengthened discussion, at which he confessed he was surprised. A discussion entirely useless, and worse than useless, and, if not producing irritation, at least consuming the precious time of action, had ensued on a proposition amounting to nothing more than a mere expression of opinion. The Senator from Kentucky, and the Senator from Delaware, Mr. B. said, both seemed to understand the proposition differently; and, according to their construction, each in his own way, the adoption of the system of a home valuation would, in his (Mr. B.'s) opinion, operate as a fraud on both parties. If the Senator from Delaware was right, Mr. B. said, there would be no reduction of duties, for that gentleman urged the amendment to counteract the reduction contemplated by the bill. This being so, Mr. B. asked if the complaining South would receive any thing, should the amendment be adopted? Would the South receive it as a concession? If the object of a home reduction was to make up the amount of the valuation proposed, Mr. B. asked if there could be any benefits resulting from this intended measure of compromise and conciliation? If, on the other hand, the amendment is not to be considered as a positive law, what is its value? Is it a mere idle, unprofitable expression of our opinions, which after generations may or may not take, that has given rise to so lengthy a discussion? This kind of legislation ought not to be attempted, by which one party or the other must necessarily be deceived. Whilst the Southern gentlemen receive this bill as a compromise, the Northern gentlemen support it, because of a clause which will counteract the reduction contemplated. Mr. B. asked what would be the effect of putting in the amendment? If this home valuation should be adopted by a future Congress, and operated so as to produce no material reduction, the South would be disappointed; and, if not adopted, the manufacturers will be disappointed and discontented. The amendment appeared to Mr. B. to be entirely protective and unnecessary, and he was surprised that it had elicited so much discussion. When the time came for a future Congress to act on this subject, it would then, and then only, be proper to consider whether or not any system of valuations would be unequal or otherwise. Mr. B. said, if he were called upon then to make the principle of the amendment at once the law of the land, he would not hesitate to vote against it. If he were called upon to give a mere idle opinion on an abstract proposition, as advice to after generations, he would give his opinion that the proposition was wrong in principle. But as the bill itself was intended as a measure of compromise and conciliation, to give peace, harmony, and tranquillity to an unquiet country, he should vote for it, whether it contained this useless proposition or not. He would not, he said, reject the great benefits to be derived from the bill, because gentlemen differing from himself and others contended for a mere abstract theory. He was astonished that gentlemen from the South, who favored a reduction, should hesitate in supporting a measure looking to that end, because it contained an argument which, in legal parlance, should be stricken from the record as irrelevant.

Mr. B., in conclusion, said, he was not in the habit of disguising his opinions. He never should regret his early impressions, which were so strongly in favor of fostering and protecting our domestic industry, and of rendering us, in every sense of the term, free and independent of foreign nations. But he was not prepared to say whether, in adjusting the last tariff, we had not strained the matter a little too far, or whether some injustice had not been done by it. He was, therefore, willing to enter into a re-examination of the subject, and, as far as his judgment went, to do what was right and proper for the best interests of the country. While he was actuated by a strong desire to conciliate the conflicting interests which agitated the country, and influenced by the purest patriotism, he was willing to accord the same motives to others who differed with him; and he was therefore prepared to enter on the decision of the question in a spirit of concession, compromise, harmony, peace, and good-will.

Mr. **SPRAGUE** said he would make but a single remark on the amendment to the amendment offered by the Senator from New Jersey. It was held that the inequality and the impracticability of adopting a home valuation was such, that any wisdom in Congress could not meet it; and yet it was proposed, by this new amendment, to confide that which the concentrated wisdom of the country found impracticable to one or two of the executive officers. He believed that the question was one of great difficulty, but he did not believe it impossible. He would not undertake to say but that, in time, the difficulties that now presented themselves could be obviated. Mr. S. said there was an example of this kind in his own section of the country. A controversy there arose, which had nigh reached insurrection, relative to the new disposition of the lands on the subject of their new boundaries. The difference was thought irremediable for years; but when the parties met to whom its settlement belonged, it was discussed; matured in time; and, finally, a law was fixed that put an end to every difficulty. He did not attach such great importance to this question, at present, as other Senators seemed to do: he looked upon it merely as forming a part of the compromise. He was opposed to the amendment of the gentleman from New Jersey, but in favor of the original one.

Mr. **DICKERSON** replied to the objections that were urged: he was against the recognition of the principle as it stood in the amendment of the gentleman from Kentucky.

Mr. **CLAYTON** did not consider the amendment as at all an abandonment of the principle of protection; he viewed it, too, not in the light of a proposition, but a law. He would not give the power of regulating the valuation to the President and his Secretary; for if they should be opposed to protection, it was giving them too much power over the principle. His object was, not to raise the duties above twenty per cent., but to have an actual and not a nominal duty at that amount.

Mr. **DICKERSON** said, that on many articles five per cent. is as much protection as twenty per cent. They could oppose foreign competition as well under the one as the other. Either must produce ruin to the manufacturers.

Mr. **HOLMES** should support the bill only because it proposed a truce for eight years, and provided the basis for a treaty to be carried into effect at the expiration of ten years. As one of the elements of the treaty, he was anxious that the original amendment should prevail. The proposition to amend was altogether useless.

The question was taken on Mr. Dickerson's motion, which was lost without a division.

The question was stated on Mr. Clay's amendment.

Mr. **WILKINS** said, if it had been his intention to have voted against the amendment, he should have remained silent; but, after the explicit declaration of the honorable gentleman from South Carolina [Mr. Calhoun] of the reason of his vote, and believing himself that the amendment would have a different construction from that given it by the gentleman, he (Mr. W.) would as expressly state, that he would vote on the question with the impression that it would not hereafter be expounded by the declaration of any Senator on this floor, but by the plain meaning of the words in the text.

Mr. **BENTON** objected to the home valuation, as tending to a violation of the constitution of the United States, and cited the following clause: "Congress shall have power to lay and collect taxes, duties, imposts, and excises; but all duties, imposts, and excises shall be uniform throughout the United States." All uniformity of duties and imposts, he contended, would be destroyed by this amendment. No human judgment could fix the value of the same goods at the same rate, in all the various ports of the United States. If the same individual valued the goods in every port, and every cargo in every port, he would commit innumerable errors and mistakes in the valuation; and, according to the diversity of these errors and mistakes, would be the diversity in the amount of duties and imposts laid and collected in the different ports. But it would not be the judgment of one individual that would make all these valuations, but the judgments of hundreds would be required. New York alone would require scores; other ports a number proportionate to their business; and no port could be trusted with less than two, however insignificant its importations might be. Admitting every appraiser to be skilful, diligent, and honest, it would be impossible but that the grossest variations, in assessing the values of the same goods, must take place in the different ports of the United States, and even in the same ports on different days and different cargoes. But it would be impossible that all the appraisers should be skilful, and especially that they should be skilled in the value of all the infinite variety of commodities which the genius of the artist fabricates in the four quarters of the globe, and which the enterprise of the merchant brings into the United States. So far from this universal, and almost miraculous skill, in all the appraisers, it would turn out, in practice, that many of them would be mere ignoramuses, worked into office by the power and influence of friends, and totally destitute of the knowledge which the place required. Even those who were skilful in one class of commodities might be ignorant of another; the man who was a judge of cotton goods might know nothing of woollens; he that was acquainted with brandies might know nothing of wines; the nice critic in fancy goods might be wholly ignorant of hardware; and so on throughout the whole list of the importations. With or without skill, it would be impossible that every appraiser, in so large a number, should be diligent and faithful. Some may be too indolent and indifferent to take upon themselves the laborious examinations which are indispensable to the formation of correct judgment; some may lack principle, and take a *douceur* from the importer to value his goods low, and depress the duty; or take the same *douceur* from the manufacturers, to value them high, and enhance the duties. Some may take one rule, and some another, for fixing valuations; some may consult invoices; some may go to auctioneers; some to men in business; others to men out of business; and some may consult nobody, but rely upon the view of their own eyes, the touch of their own fingers, and the taste of their own tongues, for the quality and value of every thing that comes in their way. Such must be the appraisers; and in such hands an infinite diversity of values must be placed upon the same goods in different ports, and a corresponding diversity must accrue in the amount of duties and imposts levied and collected upon them.

Mr. B. objected to the home valuation, because it would destroy the effect, and turn into a mere illusion the ultimate reduction to twenty per cent., which the bill proposed, and which was the only inducement with anti-tariff members for bearing with the heavy duties which are to be kept up for the first seven years which the bill had to run. He did not believe the reduction would ever come down to twenty per cent.; but if it should, the home valuation attached immediately, and converted that twenty into about thirty! The difference of the home and the foreign value would be about one-third in the northern ports, and one-half in the southern ports; consequently, the basis of calculation would be enlarged one-third, or one-half; but the difference, in fact, would be still greater. It is openly, publicly, repeatedly, and ostentatiously proclaimed on this floor, by the friends of the bill, that twenty per cent. upon the home valuation is more than thirty per cent. on the value! Assume it at thirty, and what will be the result? On one hundred millions of importations, the Government will receive thirty millions of revenue instead of twenty; on every hundred dollars' worth of goods, the consumer will pay thirty dollars tax instead of twenty! Both, as a reduction of revenue to the Government, and as a reduction of tax to the consumer, the valuation contradicts the ultimate point and main object of the bill, and renders it wholly deceptive and illusory.

Mr. B. objected to the home valuation, because it would be injurious, and almost fatal to the southern ports. He confined his remarks to New Orleans. The standard of valuation would be fifteen or twenty per cent. higher in New Orleans than in New York, and other northern ports. All importers will go to the northeastern cities, to evade high duties at New Orleans; and that great emporium of the West will be doomed to sink into a mere exporting city, while all the money which it pays for exports must be carried off and expended elsewhere for imports. Without an import trade no city can flourish, or even furnish a good market for exports. It will be drained of its effective cash, and deprived of its legitimate gains, and must languish far in the rear of what it would be if enriched with the profits of an import trade. As an exporter, it will buy; as an importer, it will sell. All buying and no selling must impoverish cities as well as individuals. New Orleans is now a great exporting city; she exports more domestic productions than any city in the Union; her imports have been increasing for some years; and, with fair play, would soon become next to New York, and furnish the whole valley of the Mississippi with its immense supplies of foreign goods; but, under the influence of a home valuation, it must lose a greater part of the import trade which it now possesses. In that loss its wealth must decline; its capacity to purchase produce for exportation must decline; and as the western produce must go there at all events, every western farmer will suffer a decline in the value of his own productions in proportion to the decline of the ability of New Orleans to purchase it. It was as a western citizen that he pleaded the cause of New Orleans, and objected to this measure of home valuation, which was to have the most baleful effects upon her prosperity.

Mr. B. further objected to the home valuation on account of the great additional expense it would create; the amount of patronage it would confer; the rivalry it would beget between importing cities; and the injury it would occasion to merchants from the detention and handling of their goods; and concluded with saying, that the home valuation was the most obnoxious feature ever introduced into the tariff acts; that it was itself equivalent to a separate tariff of ten per cent.; that it had always been resisted, and successfully resisted, by the anti-tariff interest in the highest and most palmy days of the American system, and ought not now to be introduced when that system is admitted to be nodding to its fall; when its death is actually fixed for the 30th day of June, 1842, and when the restoration of harmonious feelings is proclaimed to be the whole object of this bill.

Mr. ROBBINS then offered an amendment, which, in substance, provided, that unless this regulation (i. e. a home valuation) shall not be established by Congress, on or before the year 1842, the bill should cease to have effect, and be superseded by the tariff of 1832.

This amendment was also rejected without a division.

The question being then about to be taken on Mr. CLAY's amendment,

Mr. CALHOUN remarked, that the question being now about to be put on the amendment offered by the Senator from Kentucky, it became necessary for him to determine whether he should vote for or against it. He must be permitted again to express his regret that the Senator had thought proper to move it. His objection still remained strong against it; but as it seemed to be admitted, on all hands, that the fate of the bill depended on the fate of the amendment, feeling as he did a solicitude to see the question terminated, he had made up his mind, not, however, without much hesitation, not to interpose his vote against the adoption of the amendment; but, in voting for it, he wished it to be distinctly understood, he did it upon two conditions: first, that no valuation would be adopted that should come in conflict with the provision in the constitution which declares that duties, excises, and imposts shall be uniform; and in the next place, that none would be adopted which would make the duties themselves a part of the element of a home valuation. He felt himself justified in concluding that none such would be adopted; as it had been declared by the supporters of the amendment that no such regulation was contemplated; and, in fact, he could not imagine that any such could be contemplated, whatever interpretation might be attempted hereafter to be given to the expression of the home market. The first could scarcely be contemplated, as it would be in violation of the constitution itself; nor the latter, as it would, by necessary consequence, restore the very duties which it was the object of this bill to reduce, and would involve the glaring absurdity of imposing duties on duties, taxes on taxes. He wished the reporters for the public press to notice particularly what he said, as he intended his declaration to be part of the proceedings.

Believing, then, for the reasons which he had stated, that it was not contemplated that any regulation of the home valuation should come in conflict with the provisions of the constitution which he had cited, nor involve the absurdity of laying taxes upon taxes, he had made up his mind to vote in favor of the amendment.

Mr. SMITH said, any declaration of the views and motives under which any individual Senator might now vote could have no influence in 1842; they would be forgotten long before that time had arrived. The law must rest upon the interpretation of its words alone.

Mr. CALHOUN said he could not help that; he should endeavor to do his duty.

Mr. CLAYTON said there was certainly no ambiguity whatever in the phraseology of the amendment. In advocating it, he had desired to deceive no man; he sincerely hoped no one would suffer himself to be deceived by it.

The amendment of Mr. CLAY, fixing the principle of home valuation as a part of the bill, was then adopted by the following vote:

YEAS.—Messrs. Bell, Black, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Hill, Holmes, Johnston, King, Knight, Miller, Moore, Naudain, Poindexter, Prentiss, Rives, Robbins, Sprague, Tomlinson, Tyler, Wilkins.—26.

NAYS.—Messrs. Benton, Buckner, Dallas, Dickerson, Dudley, Forsyth, Grundy, Kane, Robinson, Seymour, Silsbee, Smith, Waggaman, Webster, White, Wright.—16.

Mr. TYLER expressed a strong desire that some gentlemen would move to expunge that part of the bill which proposed to increase the duties upon plains, kerseys, and Kendal cottons from five per cent. to fifty per cent. He was not inclined to make the motion without learning the sentiments of other gentlemen upon it; but it was a subject in which the planters of Virginia had a deep interest.

Mr. SMITH moved an amendment, to effect the wishes of the Senator from Virginia, [Mr. TYLER.]

Mr. CLAY remarked, that if Mr. SMITH's amendment was adopted, the duty would not be twenty-five per cent., as in 1832, but five per cent., as it was established at the last session of Congress. He had received a letter to-day, relative to a large establishment, stating that its operations had been suspended in consequence of this reduction. The reduction was made at the last session, to reconcile the South to the tariff; Southern members then appeared to think it of little consequence to the South. He hoped gentlemen would not persist in urging it now.

[Mr. SMITH denounced Mr. Clay's statement of the reduction, and Mr. C. then read a portion of the act.]

Mr. FORSYTH would vote for Mr. Smith's amendment. The bill had been made by the advocates of protection, as the best, in their view, which could be made, for the purpose of reconciliation; but it was doubtful whether it was the best, and he should not vote for it till he could see that it was. It had been called a concession, to reduce the duty on Kendal cottons to five per cent.; why is it now to be taken away? [Mr. CLAY said, for the purpose of giving more.] Mr. F. was opposed to the bill in its present form, and should not only vote to strike out the second section, but he would move to strike out all the sections which did not correspond with his views. The bill was a bitter pill; but, for the sake of peace, he would take it; but not if he could help it.

Mr. CLAYTON had regarded the reduction to five per cent. as a concession, though the Senator from South Carolina had viewed it otherwise.

Mr. FOOT said, he had expected the bill would be accepted as it came from the committee. He had hoped that a particular section of the country would not be singled out to suffer by the compromise. He had seen a former compromise operate auspiciously; he hoped this would do so. He would be sorry now to alter his position with regard to the bill; but he could not consent to sacrifice so greatly the interests of his constituents.

Here a message was received from the House of Representatives, announcing the death of the honorable James Lent, a member of that House from the State of New York; and that his funeral would take place at eleven o'clock to-morrow; whereupon,

Mr. DUDLEY moved that the bill be laid on the table; which motion having been agreed to,

On motion of Mr. DUDLEY,

Resolved, unanimously, That the Senate, at eleven o'clock, attend the funeral of the honorable James Lent.

On motion of Mr. WRIGHT,

The Senate then adjourned, to meet at one o'clock, P. M. to-morrow.

Saturday, February, 23.

THE TARIFF.

The Senate resumed the consideration of the bill to modify the tariff laws; the question being on the motion of Mr. Smith, to change the second section so as to permit the duties on plains, kerseys, and Kendal cottons, costing under thirty-five cents per square yard, to be imported at five per cent., as fixed by the act of 1832, instead of increasing the duties on those manufactures to fifty per cent., as was proposed by the bill.

Mr. WRIGHT supported the amendment. The great and leading objects for which this measure had been supported was to diminish the burdens of the South, and reduce the revenue. How either of these was to be accomplished by increasing the duty upon an article of great importance to that section, from five to fifty per cent., which would add at least half a million to the revenue, he had not been able to perceive. On the other hand, it appeared to be precisely contrary to the avowed object of the friends of the bill, of whom he professed to be one. When the duty on these woollens had been reduced, the last session, to five per cent., as an act of conciliation to the South, the whole duty was taken from the wool, which entered into that description of manufacture, by way of counterpoise. To raise this duty to fifty per cent., without reinstating the corresponding duty on the raw material, he regarded as altogether impolitic.

Mr. FOOT said, this was an important feature of the bill, in which his constituents had a great interest. Gentlemen from the South had agreed to it; and they were abundantly capable of guarding their own interests.

Mr. CLAY said the whole bill was based upon the principle of compromise. The provision proposed to be struck out was an essential part of this compromise, which, if struck out, would destroy the effect of the whole. Mr. C. went into the importance of this manufacture, and read a letter from Boston on the subject.

Mr. FORSYTH was sorry to hear from the Senator from Kentucky [Mr. Clay] that he regarded this increase of the burdens of the South as an essential feature of this scheme of compromise. The Senate, in adopting the principle of home valuation, had changed the original plan, in his opinion, much for the worse; he now hoped they would change this part of the bill for the better. He regarded it as highly important to the whole South, with the exception of a small part of South Carolina.

Mr. BUCKNER advocated the interests of the West, which he said had been entirely overlooked in this compromise between the North and South. After explaining those interests at large, Mr. B. declared his intention of supporting the amendment.

Mr. BELL opposed the amendment. The passage of the bill depended upon it. If it was adopted, he should feel compelled to vote against the bill. As to the interests of the West, he believed that lead and iron were more highly protected, at least until 1841, than woollens. As to what would take place hereafter, no one could now foresee. No pledge could now be given to bind the future legislation of Congress. It was altogether futile to consider any measure in that light. We must presume that future legislation will be what it ought to be, in view of the great interests of the country.

Mr. HOLMES was also opposed to the amendment. He supported the bill only on the ground of its being satisfactory to the South. If, on its final passage, it should fail to receive the votes of Senators from that quarter, he gave notice that he should move the reconsideration of the vote, and himself vote against it.

Mr. WRIGHT had heard nothing in support of this provision of the bill, which proposed to increase the duties from five to fifty per cent., which had convinced him that it was conciliatory to the South, or effectual as a means of reducing the revenue. Upon the principles on which the bill had been placed, it certainly would be improved by striking out this provision.

Mr. CLAY replied. He would avow that he had other objects which he regarded as no less important than conciliation and reduction. These were the stability and effectual protection of manufactures. A bill had been passed by the Senate, and sent to the House, for enforcing the collection of the revenue. The object of that bill met his entire approbation; and had he been present when the final vote was taken on its passage, he would have voted in its favor. But he was anxious that the bill which had passed the Senate should go forth to the country accompanied by this measure of specification. The dangerous consequences which had been predicted would then be obviated. He, therefore, implored gentlemen, who had avowed their determination to support this measure, not to throw obstacles in the way of its consummation.

Mr. CHAMBERS said it was impossible for him to vote for the bill, as a measure originating in the Senate, while it contained this provision for increasing the duties. By the constitution, the Senate could originate no such measure. If this feature were struck out, he should most cheerfully support the bill.

Mr. BENTON requested that Mr. CALHOUN, who had temporarily left his seat, might be sent for.

Mr. MOORE inquired if the gentleman wished to impeach Mr. CALHOUN?

Mr. BENTON did not. He only wanted the benefit of his testimony.

Mr. CALHOUN having taken his seat,

Mr. BENTON stated, that some years past he had introduced a bill which provided for a reduction of duties to a large extent, but increased the rate of duty upon some particular articles. It had then been decided by the presiding officer of the Senate, that, being a bill to raise revenue, it could not constitutionally originate in the Senate. He asked for the benefit of the testimony of the gentleman who then presided over the deliberations of the Senate, to bear him out in the correctness of this statement.

Mr. CALHOUN said, the constitution unquestionably provided that all bills for raising revenue shall originate in the House of Representatives. Whether the constitutional question was decided in the case referred to, or the bill went off upon a question of order, he did not distinctly recollect, though other Senators might. His impression was, that no decision was made on the constitutional question.

Mr. FOOT recollected the case, and was confident that only a question of order was raised; and the constitutional question was not decided by the Chair.

Mr. BENTON then explained the provisions of the bill to which he referred, and compared them with the present. He regarded them as standing on the same ground. The question of order, if it was to be so called, was decided against that bill, upon the constitutional objection that it was not competent to introduce such a measure into the Senate.

Mr. FOOT said the bill referred to proposed the commencement of a revenue system, which had not before existed, and clearly came within the constitutional objection. This bill is not intended to raise, but to reduce the revenue. The objection did not apply to this measure.

Mr. SMITH said, gentlemen seemed inclined to make the constitution support whatever might agree with their fancies.

Mr. DICKERSON said, whether the rate of duty was raised or lowered, the law was equally one for raising revenue within the constitution. The distinction was an absurdity.

Mr. CHAMBERS regarded the constitutional objection as insurmountable. With great regret he should be compelled to vote against the bill if this provision remained in it. The bill should have come from the House of Representatives.

Mr. FORSYTH had stated this objection to the introduction of the bill; but, having been overruled, and the bill having originated in the Senate notwithstanding the constitution, he could perceive no prohibition against its passage.

Mr. CHAMBERS had supposed the objection against the introduction of the bill to have been waived, for the purpose of discussing its provisions. He regarded the present as the proper time for taking the objection.

Mr. SILSBEE could not vote for the bill in the face of the constitution, which expressly prohibited its originating in the Senate.

Mr. BUCKNER could not agree with the Senator from Georgia, [Mr. FORSYTH,] that the introduction of the bill had done away the objection. For this reason, if no other, he should vote against it.

Mr. SMITH could not see how the constitutional question could be settled. If the Senate passed the bill, and the House concurred in it, there was an end of the objection. The origin of the bill could never be inquired into hereafter.

Mr. FRELINGHUYSEN regarded the constitutional difficulty as altogether insuperable. Having taken a solemn oath to support the constitution, he could not, however agreeable to his wishes, give his assent to a measure originating in the Senate, in violation of its express provisions.

Mr. BIBB considered it clear that a bill to reduce the revenue might originate in the Senate. Such a bill could not be called a bill to raise revenue; and this distinction had already been sanctioned by the Senate.

Mr. DICKERSON said a single word would destroy that distinction in the present case. If this bill passed, under what law would revenue be raised after 1842, excepting the present, which provided for duties of twenty per cent. after that period?

Mr. WILKINS moved an adjournment, which was lost—Yeas 14, nays 31.

Mr. SMITH then modified his proposition to amend, by moving to strike out the whole of the second section of the bill, which reads as follows:

SEC. 2. *And be it further enacted*, That so much of the second section of the act of the 14th of July aforesaid, as fixes the rate of duty on all milled and fulled cloth, known by the name of plains, kerseys, or Kendal cottons, of which wool is the only material, the value whereof does not exceed thirty-five cents a square yard, at five per cent. ad valorem, shall be, and the same is, hereby repealed. And the said articles shall be subject to the same duty of fifty per cent., as is provided by the said second section for other manufactures of wool; which duty shall be liable to the same deductions as are prescribed by the first section of this act.

Mr. BENTON was opposed to this section, and, therefore, in favor of striking it out. He said it was contrary to the whole tenor and policy of the bill, and presented the strange contradiction of multiplying duties tenfold, upon an article of prime necessity, used exclusively by the laboring part of the community, while reducing duties, or abolishing them *in toto*, upon every article used by the rich and luxurious. Silks were to be free; cambrics and fine linens were to be free; muslins, and casimeres, and broad cloths were to be reduced; but the coarse woollens, worn by the laborers of every color and every occupation, of every sex and of every age, bond or free--these coarse woollens, necessary to shelter them from cold and damp, are to be put up tenfold in point of tax, and the cost of procuring them doubled to the wearer. He showed the annual amount of the tax to be imposed by this section. It applied to the woollen goods costing less than thirty-five cents the square yard; the annual importation of that description of goods was shown in the custom-house returns to be one million and fifty thousand dollars' worth. The tax on that amount would be fifty thousand dollars by the bill of 1832; it will be five hundred thousand dollars if this section is retained; with the chance of coming down, by small periodical reductions, to two hundred thousand dollars in 1842. Thus, a tax on a necessary of life—on an article exclusively used by the poor and the laborer—is to be raised tenfold off hand, for the chance of coming down to fourfold in nine years. But it never will come down to fourfold. Whether the act goes into full effect, and works through its destined term of nine years, and attains its promised glory in 1842; or whether it is broken up before the period of gestation is half out, the result, in either event, will be the same to these coarse woollens. If the act is broken, the duties, in their descending course, will be stopped at thirty-five or thirty-eight per cent.; if the act is carried out, then the home valuation, provided for in this bill, will attach upon these woollens as the standard of their value. The American value, and not the foreign cost, will be the basis of computation for the twenty per cent. The difference, when all is fair, is about thirty-five per cent. in the value; so that an importation of coarse woollens, costing one million in Europe, and now to pay five per cent. on that cost, will be valued, if all is fair, at one million three hundred and fifty thousand dollars; and the twenty per cent. will be calculated on that sum, and will give two hundred and seventy thousand dollars, instead of two hundred thousand dollars, for the quantum of the tax. It will be near sixfold, instead of fourfold, and that if all is fair; but if there are gross errors or gross frauds in the valuation, as every human being knows there must be, the real tax may be far above sixfold. On this very floor, and in this very debate, we hear it computed, by way of recommending this bill to the manufacturers, that the twenty per cent. on the statute book will exceed thirty in the custom-house.

Mr. B. took a view of the circumstances which had attended the duties on these coarse woollens since he had been in Congress. Every act had discriminated in favor of these goods, because they were used by the poor and the laborer. The act of 1824 fixed the duties upon them at a rate one-third less than on other woollens; the act of 1828 fixed it at upwards of one-half less; the act of 1832 fixed it nine-tenths less. All these discriminations in favor of coarse woollens were made upon the avowed principle of favoring the laborers, bond and free, the slave which works the field for his master, the mariner, the miner, the steamboat hand, the worker in stone and wood, and every out-door occupation. It was intended by the framers of all these acts, and especially by the supporters of the act of 1832, that this class of our population, so meritorious from their daily labor, so much overlooked in the operations of the Government, because of their little weight in the political scale, should at least receive one boon from Congress—they should receive their working clothes free of tax. This was the intention of successive Congresses: it was the performance of this Congress in its act of the last session; and now, in six short months since this boon was granted, before the act has gone into effect, the very week before the act was to go into effect, the boon, so lately granted, is to be snatched away, and the day laborer taxed higher than ever; taxed fifty per cent. upon his working clothes! while gentlemen and ladies are to have silks and cambrics, and fine linen, free of any tax at all!

Mr. B. animadverted on the reason which was alleged for this extraordinary augmentation of duties in a bill which was to reduce duties. The reason was candidly expressed on this floor. There were a few small manufactories of these woollens in Connecticut; and unless these manufactories be protected by an increase of duties, certain members avow their determination to vote against the whole bill! This is the secret—no! not a secret, for it is proclaimed. Two or three little factories in Connecticut must be protected; and that by imposing an annual tax upon the wearers of these coarse woollens of four or five times the value of the fee-simple estate of the factories. Better far, as a point of economy and justice, to purchase them and burn them. The whole American system is to be given up in the year 1842; and why impose an annual tax of near five hundred thousand dollars, upon the laboring community, to prolong, for a few years, a few small branches of that system, when the whole bill has the axe to the root, and nods to its fall? But, said Mr. B., these manufactories of coarse woollens, to be protected by this bill, are not even American manufactories; they are rather Asiatic establishments in America; for they get their wool from Asia, and not from America. The importation of this wool is one million two hundred and fifty thousand pounds weight; it comes chiefly from Smyrna, and costs less than eight cents a pound. It was made free of duty at the last session of Congress, as an equivalent to these very manufactories for the reduction of the duty on coarse woollens to five per cent. The two measures went together, and were, each, a consideration for the other. Before that time, and by the act of 1828, this coarse wool was heavily dutied for the benefit of the home wool growers. It was subjected to a double duty, one of four cents on the pound, and the other of fifty per cent. on the value. As a measure of compromise, this double duty was abolished at the last session. The wool for these factories was admitted duty free, and, as an equivalent to the community, the woollens made out of the corresponding kind of wool were admitted at a nominal duty. It was a bargain, entered into in open Congress, and sealed with all the forms of law. Now, in six months after the bargain was made, it is to be broken. The manufacturers are to have the duty on woollens run up to fifty per cent. for protection, and are still to receive the foreign wool free of duty. In plain English, they are to retain the pay which was given them for reducing the duties on these coarse woollens, and they are to have the duties restored.

Mr. B. considered this increase of duties on this particular article as the most offensive part of the bill. It not only restored the old duty, but made it higher than it ever was before; higher than it was in the acts of 1824–'28; higher than it ever had been on the American statute book; and this purely and simply for protection, as it is avowed and proclaimed on this floor.

Mr. CLAYTON thought the House would not regard it in the light referred to. This was not a bill to raise revenue; that was not the object of the section now proposed to be stricken out; all that was intended by that section was to increase competition among manufacturers by affording them adequate protection. The Senate had repeatedly decided that bills for reducing duties might originate here. At any rate, this question would more properly arise upon the third reading of the bill.

Mr. WEBSTER said, the constitutional question must be regarded as important; but it was one which could not be settled by the Senate. It was purely a question of privilege, and the decision of it belonged alone to the House. The Senate, by the constitution, could not originate bills for raising revenue. It was of no consequence whether the rate of duty were increased or decreased; if it was a money bill, it belonged to the House to originate it. In the House there was a Committee of Ways and Means organized expressly for such objects. There was no such committee of the Senate. The constitutional provision was taken from the practice of the British Parliament, whose usages were well known to the framers of the constitution, with the modification that the Senate might alter and amend money bills, which was denied by the House of Commons to that of Lords. This subject belonged exclusively to the House of Representatives. The attempt to evade the question by contending that the present bill was intended for protection and not revenue afforded no relief, for it was protection by means of revenue. It was not the less a money bill from its object being protection. After 1842 this bill would raise the revenue, or it would not be raised by existing laws. He was altogether opposed to the provisions of this bill; but this objection was one which it belonged to the House to make.

Mr. CLAY said, the question had been decided again and again that the Senate might originate a bill of such a character. The main object in the bill was not revenue, but protection. He hoped on this occasion the Senate would exercise the power it had heretofore done in favor of this bill, which was regarded on all sides as a measure of conciliation and compromise. He regretted that any objection should have arisen from any quarter to the beneficent action of the Senate upon this distracting subject. He flattered himself that the passage of this bill would again bring the citizens of the various sections of the country together like a band of brothers. Would the Senator from Massachusetts [Mr. WEBSTER] send his bill forth alone without this measure of conciliation? He hoped not. He feared such a course would not calm the agitations which now convulse the nation and threaten the integrity of the Union.

Mr. CHAMBERS moved an adjournment.

Mr. CLAY having ineffectually appealed to the mover to withdraw the motion, called for the yeas and nays, which were ordered, and, being taken, the motion was negatived by the following vote:

YEAS.—Messrs. Benton, Buckner, Chambers, Dallas, Dickerson, Dudley, Hendricks, Kane, Knight, Prentiss, Robinson, Seymour, Silsbee, Smith, Webster, Wilkins—16.

NAYS.—Messrs. Bell, Bibb, Black, Calhoun, Clay, Clayton, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Holmes, Johnston, King, Mangum, Miller, Moore, Naudain, Poindexter, Rives, Robbins, Sprague, Tipton, Tomlinson, Troup, Tyler, White, Wright—28.

Mr. WEBSTER said, the Senator from Kentucky [Mr. CLAY] had spoken of the bill which had been reported from the Judiciary Committee as his bill. It was no more his bill than it was that gentleman's. The Senator from Kentucky had expressed himself to be as much in favor of that bill as he had himself. The only difference between them in this particular was, that he happened to have been a member of the committee from which the bill had been reported. He had no objection to conciliation, which had been so much spoken of. He objected to this measure, not because it was a measure of conciliation, but because it was one the country would never consent to see carried out. Upon proper principles, he would go as far in favor of conciliation as any man. The Senator from Kentucky [Mr. CLAY] says the object of the bill is protection, and therefore it is not a bill to raise revenue. Can such considerations be gone into in determining the constitutionality of a measure? This is the very doctrine of the South Carolina ordinance. The bill before us illustrates its absurdity. The gentleman from Kentucky supports it from one motive; others from another motive. One, because it secures protection; another, because it destroys protection. One half of its friends vote for it with the sole view to protection; the other half because it only raises revenue. It is impossible to settle grave constitutional questions upon principles which can never be known but to the Searcher of hearts.

Mr. CLAY said he had, after much reflection, brought forward this bill as a proposition which would give peace to the country. The Senator from Massachusetts opposed this proposition of peace and harmony, and wished to send forth the measure of force alone.

[Mr. WEBSTER said, in an audible tone, the gentleman has no authority for making that assertion.]

Mr. C. said he would not submit to interruption. He avowed that his object in framing the bill was to secure that protection to manufacturers which every one foresaw must otherwise be soon swept away. The reduction of protection was so gradual, that before it was essentially impaired, a new arrangement would probably be made. He had been anxious to abolish the duties on raw cotton, upon the ground that a few cargoes from abroad would bring the South here to ask for protection, which would be cheerfully accorded by their consenting to a correspondent protection upon some other article. In proposing and advocating this measure, he stood upon ground from which he defied all assailants. It was the same ground of protection upon which he had heretofore stood. He considered the motives under which a law had passed as a fit subject for consideration. No law could be correctly interpreted without having regard to them. This bill might be constitutionally passed by the Senate, because it was not a bill for revenue; it was not brought forward with that motive. His purpose was protection, and protection alone. He deeply regretted the course the Senator from Massachusetts [Mr. WEBSTER] had chosen to adopt, who had opposed every thing and proposed nothing.

Mr. WEBSTER would inquire whether it was quite true that he had opposed every thing and proposed nothing? As the only mode in which he could place before the Senate his views of the basis upon which measures of conciliation could be safely established, he had, some time past, offered a series of resolutions. The Senator from Kentucky might regard them as nothing; he could only say that they expressed his views on this important subject in his own feeble way. He would have been most happy to have gone fully into the subject in the discharge of his duty, with as strong a desire for conciliation as any gentleman, had it so pleased the Senate. He could not give his countenance to the present measure, which he deemed fraught with ruin to some of the most important interests in the country.

The question was then taken on the motion to strike out the second section of the bill, which was negatived by the following vote:

YEAS.—Messrs. Benton, Buckner, Dallas, Dudley, Forsyth, Grundy, Kane, King, Robinson, Silsbee, Smith, Webster, White, Wright.—14.

NAYS.—Messrs. Bell, Bibb, Black, Calhoun, Clay, Clayton, Dickerson, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Prentiss, Rives, Robbins, Seymour, Sprague, Tipton, Tomlinson, Troup, Tyler, Wilkins.—29.

Mr. KANE then moved to amend the bill by adding a ninth section, which provided that nothing contained in this act should be construed to extend to the present duties on lead in pigs, bars, or sheets, leaden shot, red or white lead, dry, or ground in oil, sugar of lead, &c. &c.

Mr. SMITH moved to amend the amendment by adding the words "bar iron and castings of iron, gunpowder, cannon, mortars, howitzers, cannon balls, shells for guns and howitzers," &c. Mr. S. said this proposition was to carry out the views of the Secretary of the Treasury, in reference to the protection of munitions of war.

After a few words from Mr. CLAY in opposition to the last proposition, and in favor of it from Mr. SMITH and Mr. DICKERSON, the yeas and nays were ordered, and the question being taken, was decided as follows:

YEAS.—Messrs. Benton, Buckner, Clayton, Dallas, Dickerson, Dudley, Hendricks, Kane, Robinson, Smith, Tipton, Webster, Wilkins, Wright.—14.

NAYS.—Messrs. Bell, Bibb, Black, Calhoun, Clay, Ewing, Foot, Forsyth, Grundy, Holmes, Johnston, King, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Rives, Robbins, Seymour, Sprague, Tomlinson, Troup, White.—25.

So Mr. SMITH's motion was negatived.

The question was then taken on the amendment proposed by Mr. KANE, and it was decided as follows:

YEAS.—Messrs. Benton, Buckner, Dickerson, Dudley, Hendricks, Kane, Robinson, Silsbee, Smith, Tipton, Wilkins, Wright.—12.

NAYS.—Messrs. Bell, Bibb, Black, Calhoun, Clay, Clayton, Dallas, Ewing, Foot, Forsyth, Grundy, Holmes, Johnston, King, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Rives, Robbins, Seymour, Sprague, Tomlinson, Troup, Tyler, Webster, White.—27.

So the motion to amend was rejected.

Mr. FORSYTH then moved to strike out the third and sixth sections of the bill, which attempt to bind all future Congresses until the year 1842.

The question being taken, was decided as follows:

YEAS.—Messrs. Benton, Buckner, Dallas, Dickerson, Dudley, Forsyth, Kane, Knight, Robinson, Seymour, Silsbee, Smith, Webster.—13.

NAYS.—Messrs. Bell, Bibb, Black, Calhoun, Clay, Clayton, Ewing, Foot, Grundy, Holmes, Johnston, King, Mangum, Miller, Moore, Naudain, Poindexter, Prentiss, Rives, Robbins, Sprague, Tipton, Tomlinson, Troup, Tyler, White, Wilkins, Wright.—28.

So the motion was rejected.

Mr. BENTON then moved to amend the bill by adding a new section, the object of which was to make a reduction of the drawbacks allowed on the exportation of articles manufactured in the United States from foreign materials subject to duty, in the same proportion as the reduction made in the duties by this bill.

Mr. B. said that this motion did not extend to the general system of drawbacks, but only to those special cases in which the exporter was authorized to draw from the treasury the amount of money which he had paid into it on the importation of the materials which he had manufactured. The amount of drawback to be allowed in every case had been adjusted to the amount of duty paid; and as all these duties were to be periodically reduced by the bill, it would follow, as a natural consequence, that the drawback should undergo equal reductions at the same time. Mr. B. would illustrate his motion by stating a single case—the case of refined sugar. The drawback payable on this sugar was five cents a pound. These five cents rested upon a duty of three cents, now payable on the importation of foreign brown sugar. It was ascertained that it required nearly two pounds of brown sugar to make a pound of refined sugar, and five cents was held to be the amount of duty paid on the quantity of brown sugar which made the pound of refined sugar. It was simply a reimbursement of what he had paid. By this bill the duty of foreign brown sugar will be reduced immediately to two and a half cents a pound, and afterwards will be periodically reduced until the year 1842, when it will be but six-tenths of a cent, very little more than one-sixth of the duty when five cents the pound were allowed for a drawback. Now, if the drawback is not reduced in proportion to the reduction of the duty on the raw sugar, two very injurious consequences will result to the public: first, that a large sum of money will be annually taken out of the treasury in gratuitous bounties to sugar refiners; and next, that the consumers of refined sugar will have to pay more for American refined sugar than foreigners will; for the refiners, getting a bounty of five cents a pound on all that is exported, will export all, unless the American consumer will pay the bounty also. Mr. B. could not undertake to say how much money would be drawn from the treasury, as a mere bounty, if this amendment did not prevail. It must, however, be great. The drawback was now frequently a hundred thousand dollars a year, and great frauds were committed to obtain it. Frauds to the amount of forty thousand dollars a year had been detected, and this while the inducement was small and inconsiderable; but, as fast as that inducement swells from year to year, the temptation to commit frauds must increase; and the amount drawn by fraud, added to that drawn by the letter of the law, must be enormous. Mr. B. did not think it necessary to illustrate his motion by further examples, but said there were other cases which would be as strong as that of refined sugar; and justice to the public required all to be checked at once, by adopting the amendment he had offered.

After a few words from Mr. CALHOUN, Mr. SMITH, Mr. POINDEXTER, Mr. FOOT, and Mr. MILLER, the question was taken, and decided as follows:

YEAS.—Messrs. Benton, Buckner, Calhoun, Dallas, Dickerson, Dudley, Forsyth, Johnston, Kane, King, Rives, Robinson, Seymour, Tomlinson, Webster, White, Wilkins, Wright.—18.

NAYS.—Messrs. Bell, Bibb, Black, Clay, Clayton, Ewing, Foot, Grundy, Hendricks, Holmes, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Silsbee, Smith, Sprague, Tipton, Troup, Tyler.—24.

So the amendment was rejected.

Mr. WRIGHT moved to add, at the close of the second section, by which duties upon certain coarse woollens were increased from five to fifty per cent., a provision that upon all wool costing at the place of exportation less than eight cents per pound, the same duties shall be imposed as under the tariff of 1828. Mr. W. said, in consequence of the reduction of the duty upon these manufactures by the tariff of 1832, the duty had been entirely taken from the raw material; as it was now proposed to place the duty on the manufacture higher than was provided by the act of 1828, the duty on the material ought to be reinstated.

The question was taken, and decided as follows:

YEAS.—Messrs. Dudley, Hendricks, Seymour, Silsbee, Tipton, Webster, Wright.—7.

NAYS.—Messrs. Bell, Bibb, Black, Buckner, Calhoun, Clay, Clayton, Dallas, Dickerson, Ewing, Foot, Forsyth, Grundy, Holmes, Johnston, King, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Prentiss, Rives, Robbins, Robinson, Smith, Tomlinson, Troup, Tyler, White, Wilkins.—32.

So the motion was negatived.

Mr. SILSBEE moved to strike out the words "coming from this side of the Cape of Good Hope," in reference to the discrimination made in the places from which silks are imported.

The motion was negatived without a division.

The bill was then reported as amended.

All the amendments were concurred in, excepting that which provides that after 1842 such duties shall be levied "as an economical expenditure may require."

Upon the propriety of this provision a prolonged discussion arose, in which it was contended by Mr. WEBSTER, Mr. DALLAS, Mr. DICKERSON, and Mr. BUCKNER, that these words, although not so intended, might be construed by Southern gentlemen, in the year 1842, as an abandonment of the protective principle, and a design, on the part of those who had introduced this bill, to make revenue alone the standard of all future duties on imports.

Mr. CLAYTON and Mr. CLAY regarded the language as authorizing no such construction, and denied that any one would be justified in inferring that there was to be an abandonment of the system of protection. It was insisted by Mr. CLAYTON that the Government could not be kept together if the principle of protection were to be discarded in our policy, and declared that he would pause before he surrendered that principle, even to save the Union.

Mr. FORSYTH regarded the clause as an absurdity, on which an argument either for or against protection might be erected; but as it was the only absurdity which was agreeable to him, among the many absurdities contained in the bill, he would vote for it.

Mr. DALLAS moved to strike out the words, which was negatived, yeas 14, nays 22; and the clause was agreed to.

The question then being on ordering the bill to a third reading,

Mr. WEBSTER said he wished to express his views upon some of the principles contained in the bill. He had no desire to give occasion for unnecessary delay. If it was the pleasure of gentlemen to order the bill now to be engrossed without a division, he should not object, and would express his opinions upon the third reading of the bill; otherwise, he would now proceed.

The question was then accordingly put on the third reading of the bill, and carried, without a division being called.

The Senate, then, at nine o'clock, adjourned.

MONDAY, FEBRUARY 25.

THE TARIFF.

The bill to modify the act of the 14th day of July, 1832, and all other acts imposing duties on imports, being read a third time, and the question being on its passage—

Mr. WEBSTER rose to express his sentiments in opposition to the bill. He paid, in the commencement, a tribute to the purity, zeal, and ability of the Senator from Kentucky, for whom he had so long entertained a high respect, and to elevate whom to a situation where his talents might be still more beneficial to his country he had zealously labored. He also complimented the talents and services of the Senator from South Carolina, with whom he had so often acted, and for whom he had always felt a sincere regard. He briefly reviewed his own course, when the former bills on the subject of the tariff were under consideration, and the conviction which was forced on the East, and other portions of the country, that the protective system was to be the settled policy of the Government. New England had resisted, in the first instance, the establishment of a high protective policy; but when that was determined on, the Eastern States turned all their natural advantages, and their capital of wealth and industry, into the new channel thus marked out for them. The bill of 1826 was to carry out the promises made by the bill of 1824. He disliked the bill of 1828, yet he had voted for it on account of that feature in it which gave the woollens the protection which the Government had pledged itself to give by the law of 1824. That bill decided the policy of the country, unless it was to be kept in a state of perpetual fluctuation and uncertainty.

After passing the law of last session, a law containing some features of concession and compromise, when the country was not prepared for any change, the present bill, professing to be a bill of peace, of arrangement, and of compromise, is brought forward by the distinguished Senator from Kentucky, who professes to have renounced none of his former opinions as to the constitutionality and expediency of protection. The bill is also supported by a gentleman whose opinions are directly the reverse of those entertained by the Senator from Kentucky. When it was supported by such opposite feelings, it was important to look into the provisions of the bill. He stated the various considerations which ought to weigh with those who, as friends of the protective system, voted for this bill.

He did not object to the prospective and biennial reductions made by the bill up to 1841, but he objected to the clauses which did, in effect, prohibit the repealing action of any subsequent Congress upon this bill, until 1842. He also objected to the proviso in the fifth section, which was a restriction on the power of Congress. He put it to the Senator from Tennessee, [Mr. GRUNDY,] who had introduced the clause, to say if he did not intend that it should show that Congress was to be considered as bound by the bill, as far as this Congress could bind the future legislation of the country.

The protected articles may, by this bill, be reduced below twenty per cent. ad valorem, but cannot be raised above twenty per cent.

He opposed the bill because it imposed a restriction on the future legislation of Congress. He also opposed it because it seemed to yield the constitutional power of protection. Various arguments were advanced by him to show that the Southern politicians would, if this bill were passed, tell every one of their constituents that they had gained some concession to the opinions of the South. He said that he approved the sagacious silence of the Southern gentlemen. They would not suffer themselves to be provoked by friend or enemy to speak before the time should come when they ought to speak. They were masters of the game, and they knew it. He commended their policy, but he wished them to see that he understood it. In giving up specific duties, and substituting ad valorem, the bill had abandoned the policy of all wise Governments, and the policy of our own Government, and the policy always advocated by the Senator from Kentucky. He viewed the bill as a surrender of all the interests of the smaller capitalists, and a concession in favor of overgrown monopolists. He pointed out the effects of this surrender on our own condition, and the handle which it would give to satirists, and foreign writers, and the poets laureate of all the monarchies of Europe, to turn our institutions and our pretensions into ridicule. If this principle were carried into our navigation, he stated that it would be immediately countervailed by Great Britain. By limiting our countervailing power, and leaving the countervailing power of Europe free, we put in her hands weapons to destroy us, and cast our weapons of defence at her feet. Under a colonial system, our manufacturers would not be more completely shackled than they will be by this bill.

He referred to the four expedients by which the Senator from Kentucky had said that our protective system could be preserved: 1st, Prohibition; 2dly, The free list; 3dly, Incidental protection; all of which would be found inadequate; and the 4th, Discrimination, or specific duties, was the only one which would avail. Discriminating and specific duties were the last resource, and if that were to be given up, there could be no longer any hope for the protective system, in war or in peace. He insisted, that not being owners of the property, but merely agents or administrators, we had no right to fetter a future Congress. He regarded this bill as the last will and testament of this Congress, which would be set aside by the people, but not on the ground of want of sanity in those principally engaged in making it, for he never saw gentlemen more fully in possession of that sagacity; nor on account of any undue influence, although he could not help thinking that panic had something to do with it, and that if the South Carolina ordinance and replevin law had not appeared, this bill would never have appeared in the Senate.

In reference to the practical effect of the bill, he stated that he saw obstacles to the carrying this bill into effect, which appeared to him to be insurmountable. He thought that it would be difficult to ascertain the legal value of cotton. He took a view of the different values attached to cotton, and of the professional constructions to which the clause concerning cotton would be subjected. In relation to iron, also, he thought that the difficulties in ascertaining the value would be such as to render the provision concerning that article inoperative. The duties on iron having hitherto been specific, no principle of valuation had been laid down. He considered that there was no legislative provision by which the value of iron could be assessed. The same remarks were applicable to sugar; and he stated a case to show the difficulty which exists in reaching a proper and fixed value as a basis for duty. He supposed the answer would be, that if difficulties arise, the Secretary must get through them as well as he can; and if he cannot, he must come to Congress.

As a measure of finance, he had no idea that the bill would be an efficient measure. He had not heard the assertion that the bill would at all reduce the revenue. He denied that the reduction of duties on boots, and shoes, and clothing would reduce the revenue. The bill would, in these branches, reduce thousands of mechanics to ruin, and by this operation would increase the revenue. In this point, the bill aims a deadly blow on the poor, the young, the enterprising—on the labor and the ingenuity of the country. By the introduction of foreign alcohol, at a reduced rate of duty, the revenue would be increased; but he thought gentlemen should pause before they sanctioned this change. The entire breaking up of the printing establishments for printing calicoes would be one of the consequences of the passage of the bill; and in proof he read some extracts from a memorial of the Lowell manufacturers. These institutions might survive the three first reductions, but the fourth would be fatal to them. On the spinning and weaving, the effect, if not so disastrous, would scarcely be less objectionable. The large capitalists in that branch would be able to make money by breaking down all young and enterprising establishments. In reference to woollens, with a duty of twenty per cent. on woollens, and twenty per cent. on wool, it is impossible that they can stand. The depreciation of property would be the first consequence, and the depreciation of credit the next; and, by the surrender of their interests, long before this beneficent home valuation can come to their relief, their eyes will be sealed in death. As to iron, English or Welch iron costs twenty-six dollars a ton, and the supply is inexhaustible. Iron in Russia and Sweden costs forty dollars a ton. English iron has been taxed thirty dollars, and Baltic iron eighteen dollars a ton. The change from specific to ad valorem duty will work an injurious change. He believed that this surrender once made, we could never return to the present state of things, without such a struggle as would shake the country much more than any thing has yet shaken it.

He might be wrong. There might be no pledge, no constitutional objection; but, if so, why this bill? The people will not expect the passage of this bill. There was no expectation at the commencement of this short session that such a bill would be passed. The Senate had not had time to know the pleasure of their masters. No opportunity had been offered for obtaining a knowledge either of the course of public opinion, or the effect of this measure on the public interests. It was said the next Congress would pass this bill if it were not passed now. He did not fear the next Congress; but if that body should choose to undo what was now done, it would have the power so to do.

If it was true, as the Senator from Kentucky believed, that the intention of South Carolina was merely to enter into a law-suit with the United States, then there was no necessity for this sacrifice of great interests. He believed that if this bill should become a law, there will be an action on the part of the people at the next session to overthrow it. It will not be all requiem and lullaby when this bill shall be passed. On the contrary, he believed there would be discord and discontent. He had already expressed his views as to reduction in his resolutions. He believed there ought to be a reduction to the point of necessary revenue; and that, as soon as that point could be ascertained, any Congress would be able to make a tariff which would suit the country. The estimates of the Secretary of the Treasury, as to the point of revenue, vary materially from those of others; but if the true point could be ascertained, he thought Congress might at once proceed to an adjustment of the tariff with a prospect of success.

As he had commenced with doing justice to the motives of the gentlemen on the other side, he asked that equal justice might be done to him in the opposition which he was compelled to make to a measure which had been ushered in with so much profession of peace and harmony. He would do as much to satisfy South Carolina as any man. He would take this tariff, and cut it down to the bone: but he did not wish to rush into untried systems. He believed that his constituents would excuse him for surrendering their interests, but they would not forgive him for a violation of the constitution.

Mr. CLAY rose, in reply to Mr. Webster, and said: Being anxious, Mr. President, that this bill should pass, and pass this day, I will abridge as much as I can the observations which I am called upon to make. I have long, with pleasure and pride, co-operated in the public service with the Senator from Massachusetts; and I have found him faithful, enlightened, and patriotic. I have not a particle of doubt as to the pure and elevated motives which actuate him. Under these circumstances, it gives me deep and lasting regret to find myself compelled to differ from him as to a measure involving vital interests, and perhaps the safety of the Union. On the other hand, I derive great consolation from finding myself, on this occasion, in the midst of friends with whom I have long acted, in peace and in war, and especially with the honorable Senator from Maine, [Mr. Holmes,] with whom I had the happiness to unite in a memorable instance. It was in this very chamber, that Senator presiding in the committee of the Senate, and I in the committee of twenty-four of the House of Representatives, on a Sabbath day, that the terms were adjusted, by which the compromise was effected of the Missouri question. Then the dark clouds that hung over our beloved country were dispersed; and now the thunders from others not less threatening, and which have been longer accumulating, will, I hope, roll over us harmless and without injury.

The Senator from Massachusetts objects to the bill under consideration on various grounds. He argues that it imposes unjustifiable restraints on the power of future legislation; that it abandons the protective policy; and that the details of the bill are practically defective. He does not object to the gradual, but very inconsiderable, reduction of duties which is made prior to 1842. To that he could not object; because it is a species of prospective provision, as he admits, in conformity with numerous precedents on our statute book. He does not object so much to the state of the proposed law prior to 1842, during a period of nine years; but, throwing himself forward to the termination of that period, he contends that Congress will then find itself under inconvenient shackles, imposed by our indiscretion. In the first place, I would remark, that the bill contains no obligatory pledges; it could make none; none are attempted. The power over the subject is in the constitution; put there by those who formed it, and liable to be taken out only by an amendment of the instrument. The next Congress, and every succeeding Congress, will undoubtedly have the power to repeal the law whenever they may think proper. Whether they will exercise it or not, will depend upon a sound discretion, applied to the state of the whole country, and estimating fairly the consequences of the repeal, both upon the general harmony and the common interests. Then the bill is founded in a spirit of compromise. Now, in all compromises there must be mutual concessions. The friends of free trade insist that duties should be laid in reference to revenue alone. The friends of American industry say that another, if not paramount, object in laying them, should be to diminish the consumption of foreign, and increase that of domestic products. On this point the parties divide, and, between these two opposite opinions, a reconciliation is to be effected, if it can be accomplished. The bill assumes, as a basis, adequate protection for nine years, and less beyond that term. The friends of protection say to their opponents, we are willing to take a lease of nine years, with the long chapter of accidents beyond that period, including the chance of war, the restoration of concord, and along with it a conviction, common to all, of the utility of protection; and, in consideration of it, if, in 1842, none of these contingencies shall have been realized, we are willing to submit, as long as Congress may think proper, to a maximum rate of twenty per cent. with a power of discrimination below it, cash duties, home valuations, and a liberal list of free articles, for the benefit of the manufacturing interest. To these conditions the opponents of protection are ready to accede. The measure is what it professes to be—a compromise; but it imposes, and could impose, no restriction upon the will or power of a future Congress. Doubtless great respect will be paid, as it ought to be paid, to the serious condition of the country that has prompted the passage of this bill. Any future Congress that might disturb this adjustment would act under a high responsibility; but it would be entirely within its competency to repeal, if it thought proper, the whole bill.

It is far from the object of those who support this bill to abandon or surrender the policy of protecting American industry. Its protection or encouragement may be accomplished in various ways. 1st. By bounties, as far as they are within the constitutional power of Congress to offer them. 2d. By prohibitions, totally excluding the foreign rival article. 3d. By high duties, without regard to the aggregate amount of revenue which they produce. 4th. By discriminating duties, so adjusted as to limit the revenue to the economical wants of Government. And 5th. By the admission of the raw material, and articles essential to manufactures, free of duty. To which may be added cash duties, home valuations, and the regulations of auctions. A perfect system of protection would comprehend most, if not all, of these modes of affording it. There might be, at this time, a prohibition of certain articles, (ardent spirits and coarse cottons, for example,) to public advantage. If there were not inveterate prejudices and conflicting opinions prevailing, (and what statesman can totally disregard impediments of that character?) such a compound system might be established.

Now, Mr. President, before the assertion is made that the bill surrenders the protective policy, gentlemen should understand perfectly what it does not, as well as what it does propose. It impairs no power of Congress over the whole subject; it contains no promise or pledge whatever, express or implied, as to bounties, prohibitions, or auctions; it does not touch the power of Congress in regard to them, and Congress is perfectly free to exercise that power at any time; it expressly recognises discriminating duties within a prescribed limit; it provides for cash duties and home valuations; and it secures a free list, embracing numerous articles, some of high importance to the manufacturing arts. Of all the modes of protection which I have enumerated, it affects only the third; that is to say, the imposition of high duties, producing a revenue beyond the wants of Government. The Senator from Massachusetts contends that the policy of protection was settled in 1816, and that it has ever since been maintained. Sir, it was settled long before 1816. It is coeval with the present constitution, and it will continue, under some of its various aspects, during the existence of the Government. No nation can exist, no nation, perhaps, ever existed, without protection, in some form, and to some extent, being applied to its own industry. The direct and necessary consequence of abandoning the protection of its own industry, would be to subject it to the restrictions and prohibitions of foreign Powers; and no nation, for any length of time, can endure an alien legislation, in which it has no will. The discontents which prevail, and the safety of the republic, may require the modification of a specific mode of protection; but it must be preserved in some other more acceptable shape.

All that was settled in 1816, in 1824, and in 1828, was, that protection should be afforded by high duties, without regard to the amount of the revenue which they might yield. During that whole period, we had a public debt which absorbed all the surpluses beyond the ordinary wants of Government. Between 1816 and 1824 the revenue was liable to great fluctuations, vibrating between the extremes of about nineteen and thirty-six millions of dollars. If there were more revenue, more debt was paid; if less, a smaller amount was reimbursed. Such was sometimes the deficiency of the revenue, that it became necessary, for the ordinary expenses of Government, to trench upon the ten millions annually set apart as a sinking fund to extinguish the public debt. If the public debt remained undischarged, or we had any other proper and practical mode of appropriating the surplus revenue, the form of protection, by high duties, might be continued without public detriment. It is the payment of the public debt, then, and the arrest of internal improvements by the exercise of the veto, that unsettle that specific form of protection. Nobody supposes, or proposes, that we should continue to levy, by means of high duties, a large annual surplus, of which no practical use can be made, for the sake of the incidental protection which they afford. The Secretary of the Treasury estimates that surplus, on the existing scale of duties, and with the other sources of revenue, at six millions annually. An annual accumulation, at that rate, would, in a few years, bring into the treasury the whole currency of the country, to lie there inactive and dormant.

This view of the condition of the country has impressed every public man with the necessity of some modification of the principle of protection, so far as it depends upon high duties. The Senator from Massachusetts feels it; and hence, in the resolutions which he submitted, he proposes to reduce the duties, so as to limit the amount of the revenue to the wants of the Government. With him, revenue is the principal, protection the subordinate object. If protection cannot be enjoyed after such a reduction of duties as he thinks ought to be made, it is not to be extended. He says specific duties, and the power of discrimination, are preserved by his resolutions. So they may be under the operation of the bill. The only difference between the two schemes is, that the bill, in the maximum which it provides, suggests a certain limit; whilst his resolutions lay down none. Below that maximum, the principle of discrimination and specific duties may be applied. The Senator from Pennsylvania, [Mr. DALLAS,] who, equally with the Senator from Massachusetts, is opposed to this bill, would have agreed to the bill if it had fixed thirty instead of twenty per cent.; and he would have dispensed with home valuation, and come down to the revenue standard in five or six years. Now, Mr. President, I prefer, and I think the manufacturing interest will prefer, nine years of adequate protection, home valuations, and twenty per cent., to the plan of the Senator from Pennsylvania.

Mr. President, I want to be perfectly understood as to the motives which have prompted me to offer this measure. I repeat what I said on the introduction of it, that they are, first, to preserve the manufacturing interest; and, secondly, to quiet the country. I believe the American system to be in the greatest danger; and I believe it can be placed on a better and safer foundation at this session than at the next. I heard, with surprise, my friend from Massachusetts say that nothing had occurred within the last six months to increase its hazard. I entreat him to review that opinion. Is it correct? Is the issue of numerous elections, including that of the highest officer of the Government, nothing? Is the explicit recommendation of that officer, in his message at the opening of the session, sustained, as he is, by a recent triumphant election, nothing? Is his declaration in his proclamation, that the burdens of the South ought to be relieved, nothing? Is the introduction of the bill in the House of Representatives during this session, sanctioned by the head of the Treasury and the administration, prostrating the greater part of the manufactures of the country, nothing? Are the increasing discontents, nothing? Is the tendency of recent events to unite the whole South, nothing? What have we not witnessed in this chamber? Friends of the administration bursting all the ties which seemed indissolubly to unite them to its chief, and, with few exceptions south of the Potomac, opposing, and vehemently opposing, a favorite measure of that administration, which three short months ago they contributed to establish! Let us not deceive ourselves. Now is the time to adjust the question in a manner satisfactory to both parties. Put it off until the next session, and the alternative may, and probably then would be, a speedy and ruinous reduction of the tariff, or a civil war with the entire South.

It is well known that the majority of the dominant party is adverse to the tariff. There are many honorable exceptions, the Senator from New Jersey [Mr. Dickerson] among them. But for the exertions of the other party, the tariff would have been long since sacrificed. Now let us look at the composition of the two branches of Congress at the next session. In this body we lose three friends of the protective policy, without being sure of gaining one. Here, judging from the present appearances, we shall, at the next session, be in the minority. In the House it is notorious that there is a considerable accession to the number of the dominant party. How, then, I ask, is the system to be sustained against numbers, against the whole weight of the administration, against the united South, and against the increased impending danger of civil war? There is, indeed, one contingency that might save it, but that is too uncertain to rely upon. A certain class of Northern politicians, professing friendship to the tariff, have been charged with being secretly inimical to it, for political purposes. They may change their ground, and come out open and undisguised supporters of the system. They may even find in the measure which I have brought forward a motive for their conversion. Sir, I shall rejoice in it, from whatever cause it may proceed. And if they can give greater strength and durability to the system, and at the same time quiet the discontents of its opponents, I shall rejoice still more. They shall not find me disposed to abandon it, because it has drawn succor from an unexpected quarter.

No, Mr. President; it is not destruction but preservation of the system at which we aim. If dangers now assail it, we have not created them. I have sustained it upon the strongest and clearest convictions of its expediency. They are entirely unaltered. Had others, who avow attachment to it, supported it with equal zeal and straightforwardness, it would be now free from embarrassment; but with them it has been a secondary interest. I utter no complaints—I make no reproaches. I wish only to defend myself now, as heretofore, against unjust assaults. I have been represented as the father of this system, and I am charged with an unnatural abandonment of my own offspring. I have never arrogated to myself any such intimate relation to it. I have, indeed, cherished it with parental fondness, and my affection is undiminished. But in what condition do I find this child? It is in the hands of the Philistines, who would strangle it. I fly to its rescue, to snatch it from their custody, and to place it on a bed of security and repose for nine years, where it may grow and strengthen, and become acceptable to the whole people. I behold a torch about being applied to a favorite edifice, and I would save it, if possible, before it was wrapt in flames, or at least preserve the precious furniture which it contains. I wish to see the tariff separated from the politics of the country, that business men may go to work in security, with some prospect of stability in our laws, and without every thing being staked on the issue of elections, as it were on the hazards of the die.

And the other leading object which has prompted the introduction of this measure, the tranquillizing of the country, is no less important. All wise, human legislation must consult, in some degree, the passions, and prejudices, and feelings, as well as the interests of the people. It would be vain and foolish to proceed, at all times, and under all circumstances, upon the notion of absolute certainty in any system, or infallibility in any dogma, and to push these out without regard to any consequences. With us, who entertain the opinion that Congress is constitutionally invested with power to protect domestic industry, it is a question of mere expediency as to the form, the degree, and the time that the protection shall be afforded. In weighing all the considerations which should control and regulate the exercise of that power, we ought not to overlook what is due to these who honestly entertain opposite opinions to large masses of the community, and to deep, long-cherished, and growing prejudices. Perceiving, ourselves, no constitutional impediment, we have less difficulty in accommodating ourselves to the sense of the people of the United States upon this interesting subject. I do believe that a majority of them are in favor of this policy; but I am induced to believe this almost against evidence. Two States in New England, which had been in favor of the system, have recently come out against it. Other States of the North and the East have shown a remarkable indifference to its preservation. If, indeed, they have wished to preserve it, they have nevertheless placed the powers of Government in hands which ordinary information must have assured them were rather a hazardous depository. With us in the West, although we are not without some direct, and considerable indirect, interest in the system, we have supported it more upon national than sectional grounds.

Meantime, the opposition of a large and respectable section of the Union, stimulated by political success, has increased, and is increasing. Discontents are multiplying, and assuming new and dangerous aspects. They have been cherished by the course and hopes inspired during this administration, which, at the very moment that it threatens and recommends the use of the power of the whole Union, proclaims aloud the injustice of the system which it would enforce. These discontents are not limited to those who maintain the extravagant theory of nullification; they are not confined to one State; they are coextensive with the entire South, and extend even to Northern States. It has been intimated by the Senator from Massachusetts, that, if we legislate at this session on the tariff, we would seem to legislate under the influence of a panic. I believe, Mr. President, I am not more sensible to danger of any kind than my fellow-men are generally. It, perhaps, requires as much moral courage to legislate under the imputation of a panic, as to refrain from it lest such an imputation should be made. But he who regards the present question as being limited to South Carolina alone, takes a view of it much too contracted. There is a sympathy of feeling and interest throughout the whole South. Other Southern States may differ from that as to the remedy to be now used, but all agree (great as in my humble judgment is their error) in the substantial justice of the cause. Can there be a doubt that those who think in common will sooner or later act in concert? Events are on the wing, and hastening this co-operation. Since the commencement of this session, the most powerful Southern member of the Union has taken a measure which cannot fail to lead to important consequences. She has deputed one of her most distinguished citizens to request a suspension of measures of resistance. No attentive observer can doubt that the suspension will be made. Well, sir, suppose it takes place, and Congress should fail at the next session to afford the redress which will be solicited, what course would every principle of honor, and every consideration of the interests of Virginia, as she understands them, exact from her? Would she not make common cause with South Carolina; and, if she did, would not the entire South eventually become parties to the contest? The rest of the Union might put down the South, and reduce it to submission; but, to say nothing of the uncertainty and hazards of all war, is that a desirable state of things? Ought it not to be avoided if it can be honorably prevented? I am not one of those who think that we must rely exclusively upon moral power, and never resort to physical force. I know too well the frailties and follies of man, in his collective as well as individual character, to reject, in all possible cases, the employment of force; but I do think, that, when resorted to, especially among the members of a confederacy, it should manifestly appear to be the only remaining appeal.

But, suppose the present Congress terminate without any adjustment of the tariff, let us see in what condition its friends will find themselves at the next session. South Carolina will have postponed the execution of the law passed to carry into effect her ordinance until the end of that session. All will be quiet in the South for the present. The President, in his opening message, will urge that justice, as he terms it, be done to the South, and that the burdens imposed upon it by the tariff be removed. The whole weight of the administration, the united South, and majorities of the dominant party in both branches of Congress, will be found in active co-operation. Will the gentleman from Massachusetts tell me how we are to save the tariff against this united and irresistible force? They will accuse us of indifference to the preservation of the Union, and of being willing to expose the country to the dangers of civil war. The fact of South Carolina postponing her ordinance, at the instance of Virginia, and once more appealing to the justice of Congress, will be pressed with great emphasis and effect. It does appear to me impossible that we can prevent a most injurious modification of the tariff at the next session; and that this is the favorable moment for an equitable arrangement of it. I have been subjected to animadversion for the admission of the fact, that at the next session our opponents will be stronger, and the friends of the American system weaker than they are in this Congress. But is it not so? And is it not the duty of every man who aspires to be a statesman to look at naked facts as they really are? Must he suppress them? Ought he, like children, to throw the counterpane over his eyes, and persuade himself that he is secure from danger? Are not our opponents as well informed as we are about their own strength?

If we adjourn, without any permanent settlement of the tariff, in what painful suspense and terrible uncertainty shall we not leave the manufacturers and business men of the country? All eyes will be turned, with trembling and fear, to the next session. Operations will be circumscribed, and new enterprises checked; or, if otherwise, ruin and bankruptcy may be the consequence. I believe, sir, this measure, which offers a reasonable guaranty for permanency and stability, will be hailed by practical men with pleasure. The political manufacturers may be against it, but it will command the approbation of a large majority of the business manufacturers of the country.

But the objections of the honorable Senator from Massachusetts are principally directed to the period beyond 1842. During the intermediate time, there is every reason to hope and believe that the bill secures adequate protection. All my information assures me of this; and it is demonstrated by the fact, that, if the measure of protection, secured prior to the 31st of December, 1841, were permanent, or if the bill were even silent beyond that period, it would command the cordial and unanimous concurrence of the friends of the policy. What, then, divides, what alarms us? It is what may possibly be the state of things in the year one thousand eight hundred and forty-two, or subsequently! Now, sir, even if that should be as bad as the most vivid imagination or the most eloquent tongue could depict it, if we have intermediate safety and security, it does not seem to me wise to rush upon certain and present evils, because of those which, admitting their possibility, are very remote and contingent. What! Shall we not extinguish the flame which is bursting through the roof that covers us, because, at some future and distant day, we may be again threatened with conflagration?

I do not admit that this bill abandons, or fails by its provisions to secure, reasonable protection beyond 1842. I cannot know, I pretend not to know, what will then be the actual condition of this country, and of the manufacturing arts, and their relative condition to the rest of the world. I would as soon confide in the forecast of the honorable Senator from Massachusetts, as in that of any other man in this Senate, or in this country; but he, nor any one else, can tell what that condition will then be. The degree of protection which will be required for domestic industry beyond 1842 depends upon the reduction of wages, the accumulation of capital, the improvement in skill, the perfection of machinery, and the cheapening of the price, at home, of essential articles, such as fuel, iron, &c. I do not think that the honorable Senator can throw himself forward to 1842, and tell us what, in all these particulars, will be the state of this country, and its relative state to other countries. We know that, in all human probability, our numbers will be increased by an addition of one-third, at least, to their present amount; and that may materially reduce wages. We have reason to believe that our capital will be augmented, or skill improved; and we know that great progress has been made, and is making, in machinery. There is a constant tendency to decrease in the price of iron and coal. The opening of new mines and new channels of communication must continue to lower it. The successful introduction of the process of coking would have great effect. The price of these articles, one of the most opulent and intelligent manufacturing houses in this country assures me, is a principal cause of the present necessity of protection to the cotton interest; and that house is strongly inclined to think that twenty per cent., with the other advantages secured in this bill, may do beyond 1842. Then, sir, what effect may not convulsions and revolutions in Europe, if any should arise, produce? I am far from desiring them, that our country may profit by their occurrence. Her greatness and glory rest, I hope, upon a more solid and more generous basis. But we cannot shut our eyes to the fact, that our greatest manufacturing as well as commercial competitor is undergoing a momentous political experiment, the issue of which is far from being absolutely certain. Who can raise the veil of the succeeding nine years, and show what, at their termination, will be the degree of competition which Great Britain can exercise towards us in the manufacturing arts?

Suppose, in the progress of gradual descent towards the revenue standard, for which this bill provides, it should, some years hence, become evident that further protection, beyond 1842, than that which it contemplates, may be necessary; can it be doubted that, in some form or other, it will be applied? Our misfortune has been, and yet is, that the public mind has been constantly kept in a state of feverish excitement in respect to this system of policy. Conventions, elections, Congress, the public press, have been for years all acting upon the tariff, and the tariff acting upon them all. Prejudices have been excited, passions kindled, and mutual irritations carried to the highest pitch of exasperation, insomuch that good feelings have been almost extinguished, and the voice of reason and experience silenced, among the members of the confederacy. Let us separate the tariff from the agitating politics of the country, place it upon a stable and firm foundation, and allow our enterprising countrymen to demonstrate to the whole Union, by their skilful and successful labors, the inappreciable value of the arts. If they can have, what they have never yet enjoyed, some years of repose and tranquillity, they will make, silently, more converts to the policy than would be made during a long period of anxious struggle and boisterous contention. Above all, I count upon the good effects resulting from a restoration of the harmony of this divided people—upon their good sense and their love of justice. Who can doubt, that when passions have subsided, and reason has resumed her empire, that there will be a disposition throughout the whole Union to render ample justice to all its parts? Who will believe that any section of this great confederacy would look with indifference to the prostration of the interests of another section, by distant and selfish foreign nations, regardless alike of the welfare of us all? No, sir; I have no fears beyond 1842. The people of the United States are brethren, made to love and respect each other. Momentary causes may seem to alienate them, but, like family differences, they will terminate in a closer and more affectionate union than ever. And how much more estimable will be a system of protection, based on common conviction and common consent, and planted in the bosoms of all, than one wrenched by power from reluctant and protesting weakness?

That such a system will be adopted, if it should be necessary, for the period of time subsequent to 1842, I will not doubt. But, in the scheme which I originally proposed, I did not rely exclusively, great as my reliance is, upon the operation of fraternal feelings, the return of reason, and a sense of justice. That scheme contained an appeal to the interests of the South. According to it, unmanufactured cotton was to be a free article after 1842. Gentlemen from that quarter have again and again asserted that they were indifferent to the duty of three cents per pound on cotton, and that they feared no foreign competition. I have thought otherwise; but I was willing, by way of experiment, to take them at their word; not that I was opposed to the protection of cotton, but believing that a few cargoes of foreign cotton introduced into our Northern ports, free of duty, would hasten our Southern friends to come here and ask that protection for their great staple, which is wanted in other sections for their interests. That feature in the scheme was stricken out in the select committee, but not by the consent of my friend from Delaware, [Mr. Clayton,] or myself. Still, after 1842, the South may want protection for sugar, for tobacco, for Virginia coal, perhaps for cotton and other articles; whilst other quarters may need it for wool, woollens, iron, and cotton fabrics; and these mutual wants, if they should exist, will lead, I hope, to some amicable adjustment of a tariff for that distant period, satisfactory to all. The theory of protection supposes, too, that, after a certain time, the protected arts will have acquired such strength and perfection as will enable them subsequently, unaided, to stand up against foreign competition. If, as I have no doubt, this should prove to be correct, it will, on the arrival of 1842, encourage all parts of the Union to consent to the continuance of longer protection to the few articles which may then require it.

The bill before us strongly recommends itself by its equity and impartiality. It favors no one interest, and no one State, by an unjust sacrifice of others. It deals equally by all. Its basis is the act of July last. That act was passed after careful and thorough investigation, and long deliberation, continued through several months. Although it may not have been perfect in its adjustment of the proper measure of protection to each article which was supposed to merit it, it is not likely that, even with the same length of time before us, we could make one more perfect. Assuming the justness of that act, the bill preserves the respective proportions for which the act provides, and subjects them all to the same equal but moderate reduction, spread over the long space of nine years. The Senator from Massachusetts contends that a great part of the value of all protection is given up by dispensing with specific duties and the principle of discrimination. But much the most valuable articles of our domestic manufactures (cotton and woollens, for example,) have never enjoyed the advantage of specific duties. They have always been liable to ad valorem duties, with a very limited application of the minimum principle. The bill does not, however, even after 1842, surrender either mode of laying duties. Discriminations are expressly recognised below the maximum, and specific duties may also be imposed, provided they do not exceed it.

The honorable Senator also contends that the bill is imperfect, and that the execution of it will be impracticable. He asks, how is the excess above twenty per cent. to be ascertained on coarse and printed cottons, liable to minimums of thirty and thirty-five cents, and subject to a duty of twenty-five per cent. ad valorem; and how is it to be estimated in the case of specific duties? Sir, it is very probable that the bill is not perfect, but I do not believe that there is any thing impracticable in its execution. Much will, however, depend upon the head of the Treasury Department. In the instance of the cotton minimums, the statute having, by way of exception to the general ad valorem rule, declared, in certain cases, how the value shall be estimated, that statutory value ought to govern; and, consequently, the twenty per cent. should be exclusively deducted from the twenty-five per cent., being the rate of duties to which cottons generally are liable; and the biennial tenths should be subtracted from the excess of five per cent. With regard to specific duties, it will, perhaps, be competent to the Secretary of the Treasury, in the execution of the law, for the sake of certainty, to adopt some average value founded upon importations of a previous year. But if the value of each cargo, and every part of it, is to be ascertained, it would be no more than what now is the operation in the case of woollens, silks, cottons above thirty and thirty-five cents, and a variety of other articles; and, consequently, there would be no impracticability in the law.

To all defects, however, real or imaginary, which may be supposed will arise in the execution of the principles of the bill, I oppose one conclusive, and, I hope, satisfactory answer. Congress will be in session one whole month before the commencement of the law; and if, in the mean time, omissions calling for further legislation shall be discovered, there will be more time then than we have now to supply them. Let us, on this occasion of compromise, pursue the example of our fathers, who, under the influence of the same spirit, in the adoption of the constitution of the United States, determined to ratify it, and go for amendments afterwards.

To the argument of the Senator from Massachusetts, that this interest, and that and the other cannot be sustained under the protection beyond 1842, I repeat the answer, that no one can now tell what may then be necessary. That period will provide for itself. But I was surprised to hear my friend singling out iron as an article that would be most injuriously affected by the operation of this bill. If I am not greatly mistaken in my recollection, he opposed and voted against the act of 1824, because of the high duty imposed on iron. But for that duty, (and perhaps the duty on hemp,) which he then considered threw an unreasonable burden upon the navigation of the country, he would have supported that act. Of all the articles to which protecting duties are applied, iron, and the manufactures of iron, enjoy the highest protection. During the term of nine years, the deductions from the duty are not such as seriously to impair those great interests, unless all my information deceives me; and beyond that period the remedy has been already indicated. Let me suppose that the anticipations which I form upon the restoration of concord and confidence shall be all falsified; that neither the sense of fraternal affection nor common justice, nor even common interests, will lead to an amicable adjustment of the tariff beyond 1842. Let me suppose that period has arrived, and that the provisions of the bill shall be interpreted as an obligatory pledge upon the Congress of that day; and let me suppose, also, that a greater amount of protection than the bill provides is absolutely necessary to some interests; what is to be done? Regarded as a pledge, it does not bind Congress forever to adhere to the specific rate of duty contained in the bill. The most, in that view, that it exacts is, to make a fair experiment. If, after such experiment, it should be demonstrated that, under such an arrangement of the tariff, the interests of large portions of the Union would be sacrificed, and they exposed to ruin, Congress will be competent to apply some remedy that will be effectual; and I hope and believe that, in such a contingency, some will be devised that may preserve the harmony and perpetuate the blessings of the Union.

It has been alleged that there will be an augmentation, instead of a diminution of revenue, under the operation of this bill. I feel quite confident of the reverse; but it is sufficient to say that both contingencies are carefully provided for in the bill, without affecting the protected articles.

The gentleman from Massachusetts dislikes the measure, because it commands the concurrence of those who have been hitherto opposed, in regard to the tariff, and is approved by the gentleman from South Carolina [Mr. CALHOUN] as well as by myself. Why, sir, the gentleman has told us that he is not opposed to any compromise. Will he be pleased to say how any compromise can be effected, without a concurrence between those who had been previously divided, and taking some medium between the two extremes? The wider the division may have been, so much the better for the compromise, which ought to be judged of by its nature and by its terms, and not solely by those who happen to vote for it. It is an adjustment to which both the great interests in this country may accede, without either being dishonored. The triumph of neither is complete. Each, for the sake of peace, harmony, and union, makes some concessions. The South has contended that every vestige of protection should be eradicated from the statute book, and the revenue standard forthwith adopted. In assenting to this bill, it waives that pretension; yields to reasonable protection for nine years; and consents, in consideration of the maximum of twenty per cent. to be subsequently applied, to discriminations below it, cash duties, home valuations, and a long list of free articles. The North and West have contended for the practical application of the principle of protection, regulated by no other limit than the necessary wants of the country. If they accede to this adjustment, they agree, in consideration of the stability and certainty which nine years' duration of a favorite system of policy affords, and of the other advantages which have been enumerated, to come down in 1842 to a limit not exceeding twenty per cent. Both parties, animated by a desire to avert the evils which might flow from carrying out into all their consequences the cherished system of either, have met upon common ground, made mutual and friendly concessions, and I trust, and sincerely believe, that neither will have hereafter occasion to regret, as neither can justly reproach the other with what may be now done.

This, or some other measure of conciliation, is now more than ever necessary, since the passage, through the Senate, of the enforcing bill. To that bill, if I had been present on the final vote, I should have given my assent, although with great reluctance. I believe this Government not only possessed of the constitutional power, but to be bound, by every consideration, to maintain the authority of the laws. But I deeply regretted the necessity which seemed to me to require the passage of such a bill. And I was far from being without serious apprehensions as to the consequences to which it might lead. I felt no new born zeal in favor of the present administration, of which I now think as I have always thought. I could not vote against the measure; I would not speak in its behalf. I thought it most proper in me to leave to the friends of the administration, and to others who might feel themselves particularly called upon, to defend and sustain a strong measure of the administration. With respect to the series of acts to which the Executive has resorted, in relation to our Southern disturbance, this is not a fit occasion to enter upon a full consideration of them; but I will briefly say, that, although the proclamation is a paper of uncommon ability and eloquence, doing great credit, as a composition, to him who prepared it, and to him who signed it, I think it contains some ultra doctrines, which no party in this country had ventured to assert. With these are mixed up many sound principles and just views of our political systems. If it is to be judged by its effects upon those to whom it was more immediately addressed, it must be admitted to have been ill-timed and unfortunate. Instead of allaying the excitement which prevailed, it increased the exasperation in the infected district, and afforded new and unnecessary causes of discontent and dissatisfaction in the South generally. The message, subsequently transmitted to Congress, communicating the proceedings of South Carolina, and calling for countervailing enactments, was characterized with more prudence and moderation. And, if this unhappy contest is to continue, I sincerely hope that the future conduct of the administration may be governed by wise and cautious counsels, and a parental forbearance. But when the highest degree of animosity exists; when both parties, however unequal, have arrayed themselves for the conflict, who can tell when, by the indiscretion of subordinates, or other unforeseen causes, the bloody struggle may commence? In the midst of magazines, who knows when the fatal spark may produce a terrible explosion? And the battle once begun, where is its limit? What latitude will circumscribe its rage? Who is to command our armies? When, and where, and how is the war to cease? In what condition will the peace leave the American system, the American Union, and, what is more than all, American liberty? I cannot profess to have a confidence, which I have not, in this administration; but if I had all confidence in it, I should still wish to pause, and, if possible, by any honorable adjustment, to prevent awful consequences, the extent of which no human wisdom can foresee.

It appears to me, then, Mr. President, that we ought not to content ourselves with passing the enforcing bill only. Both that and the bill of peace seem to me to be required for the good of our country. The first will satisfy all who love order and law, and disapprove the inadmissible doctrine of nullification. The last will sooth those who love peace and concord, harmony and union. One demonstrates the power and the disposition to vindicate the authority and supremacy of the laws of the Union; the other offers that which, if it be accepted in the fraternal spirit in which it is tendered, will supersede the necessity of the employment of all force.

There are some who say, let the tariff go down; let our manufactures be prostrated, if such be the pleasure, at another session, of those to whose hands the Government of this country is confided; let bankruptcy and ruin be spread over the land; and let resistance to the laws, at all hazards, be subdued. Sir, they take counsel from their passions. They anticipate a terrible reaction from the downfall of the tariff, which would ultimately reestablish it upon a firmer basis than ever. But it is these very agitations, these mutual irritations between brethren of the same family, it is the individual distress and general ruin that would necessarily follow the overthrow of the tariff, that ought, if possible, to be prevented. Besides, are we certain of this reaction? Have we not been disappointed in it as to other measures heretofore? But suppose, after a long and embittered struggle, it should come; in what relative condition would it find the parts of this confederacy? In what state our ruined manufactures?

When they should be laid low, who, amidst the fragments of the general wreck, scattered over the face of the land, would have courage to engage in fresh enterprises, under a new pledge of the violated faith of the Government? If we adjourn, then, without passing this bill, having intrusted the Executive with vast powers to maintain the laws, should he be able by the next session to put down all opposition to them, will he not, as a necessary consequence of success, have more power than ever to put down the tariff also? Has he not said that the South is oppressed, and its burdens ought to be relieved? And will he not feel himself bound, after he shall have triumphed, (if triumph he may in a civil war,) to appease the discontents of the South by a modification of the tariff, in conformity with its wishes and demands? No, sir; no, sir; let us save the country from the most dreadful of all calamities, and let us save its industry, too, from threatened destruction. Statesmen should regulate their conduct and adapt their measures to the exigencies of the times in which they live. They cannot, indeed, transcend the limits of the constitutional rule; but, with respect to those systems of policy which fall within its scope, they should arrange them according to the interests, the wants, and the prejudices of the people. Two great dangers threaten the public safety. The true patriot will not stop to inquire how they have been brought about, but will fly to the deliverance of his country.

The difference between the friends and the foes of the compromise under consideration is, that they would, in the enforcing act, send forth alone a flaming sword; we would send out that also, but along with it the olive branch, as a messenger of peace. They cry out, the law! the law! the law! Power! power! power! We, too, reverence the law, and bow to the supremacy of its obligation; but we are in favor of the law executed in mildness, and of power tempered with mercy. They, as we think, would hazard a civil commotion, beginning in South Carolina, and extending God only knows where. While we would vindicate the authority of the Federal Government, we are for peace, if possible, union and liberty. We want no war; above all, no civil war, no family strife. We want to see no sacked cities, no desolated fields, no smoking ruins, no streams of American blood, shed by American arms.

I have been accused of ambition in presenting this measure. Ambition! inordinate ambition! If I had thought of myself only, I should never have brought it forward. I know well the perils to which I expose myself; the risk of alienating faithful and valued friends, with but little prospect of making new ones, if any new ones could compensate for the loss of those whom we have long tried and loved; and the honest misconceptions both of friends and foes. Ambition! If I had listened to its soft and seducing whispers; if I had yielded myself to the dictates of a cold, calculating, and prudential policy, I would have stood still and unmoved. I might even have silently gazed on the raging storm, enjoyed its loudest thunders, and left those who are charged with the care of the vessel of State to conduct it as they could. I have been heretofore often unjustly accused of ambition. Low, grovelling souls, who are utterly incapable of elevating themselves to the higher and nobler duties of pure patriotism; beings, who, forever keeping their own selfish aims in view, decide all public measures by their presumed influence on their aggrandizement, judge me by the venal rule which they prescribe to themselves. I have given to the winds these false accusations, as I consign that which now impeaches my motives. I have no desire for office, not even the highest. The most exalted is but a prison, in which the incarcerated incumbent daily receives his cold, heartless visitants, marks his weary hours, and is cut off from the practical enjoyment of all the blessings of genuine freedom. I am no candidate for any office in the gift of the people of these States, united or separated; I never wish—never expect to be. Pass this bill, tranquilize the country, restore confidence and affection in the Union, and I am willing to go home to Ashland, and renounce public service forever. I should there find, in its groves, under its shades, on its lawns, amidst my flocks and herds, in the bosom of my family, sincerity and truth, attachment and fidelity, and gratitude, which I have not always found in the walks of public life. Yes, I have ambition; but it is the ambition of being the humble instrument, in the hands of Providence, to reconcile a divided people, once more to revive concord and harmony in a distracted land; the pleasing ambition of contemplating the glorious spectacle of a free, united, prosperous, and fraternal people.

[NOTE.—This speech embraces not only what Mr. C. said in reply to Mr. WEBSTER, but several observations made by him on other occasions, during the progress of the bill.]

Mr. SMITH said this bill did not reduce the revenue one dollar. There would be no reduction, but the importations would be restricted.

After speaking for a few minutes, Mr. S. gave way at half past four, and

Mr. SILSBEE moved that the Senate take a recess until 6 o'clock—Yeas 17, nays 19.

Mr. SMITH then resumed, and went into a review of the various sections of the bill. He agreed with the Senator from Massachusetts that this bill repealed the whole of the ground on which our revenue system was built.

Mr. ROBBINS now moved that the Senate take a recess until 6 o'clock—Yeas 17, nays 17.

The CHAIR voting in the affirmative, it was ordered that the Senate take a recess until 6 o'clock.

On reassembling at 6 o'clock, the Senate resumed the consideration of the tariff bill.

Mr. BELL, of New Hampshire, said it was not his intention to enter into the discussion of this bill beyond what was necessary to explain the reasons which induced him to give it his support. I am not, said Mr. B., a new convert to the protective system, but have always been its advocate. The earliest opinions which I formed on that subject are the same which I now hold. I have ever believed that it was essentially necessary to the prosperity of our country, that its legislation should protect its own labor and industry against the products of the labor and industry of foreign countries, coming into competition with them in our own markets. This protection is given by every enlightened country to its own citizens, and no country can now adopt a different system without subjecting its own people and its own industry to an oppressive taxation from the foreign countries with which it has commercial intercourse.

I am not, said he, influenced, in giving a support to this bill, by the threatening attitude which one of the States has assumed in relation to this question. I yield to no such motive in the discharge of public duty. I see nothing in the present situation of our country to excite alarm. But I am free to acknowledge that the restoration of peace and quiet to an excited and distracted section of our country is one of the motives which induces me to consent to the modification of the tariff proposed by this bill. Much as I desire to see harmony and fraternal feelings between the different sections of our country restored, I would not purchase it by a surrender of the principle of protection, or by the prostration of any one of the important interests of our country. I do not believe that either can result from the passage of this bill. If I apprehended that its passage would endanger the protective system, it would not receive my support, as I firmly believe that the destruction of this system would bring general and severe distress upon a great majority of the citizens of our country, and would eventually produce a dissolution of the Union. Several of the provisions of the tariff law of 1832 never had my approbation. I opposed its passage, because I thought it partial in the distribution of the protection it afforded to the interests of the different sections of the Union. This bill reduces the duties imposed by the act of 1832 for the protection of the products of our industry, but not to an extent which will materially injure them. Many of its provisions are favorable to the interests of the manufacturers, and such as they have been anxious to obtain. One of the evils from which they have suffered has been the frequent changes made in the laws affecting their pursuits. They have often told us that the instability and incessant changes in our legislation were ruinous to their interests, and have entreated us to adopt a permanent system of legislation in reference to them. This bill contemplates a moderate but permanent system of protection to all the important interests of the country. From its character, and the circumstances under which it will pass, we may safely rely upon its permanency. It has been truly termed a compromise, since it has the assent of those who have heretofore been opposed to protective legislation, and the approbation of a large proportion of those who have been the earliest and firmest supporters of the protective system. It contains no pledge which can restrain a future Congress from making such further modification in favor of the protected articles as experience may show to be necessary to sustain them against foreign competition. Most of them will require no additional protection. After 1840 it is probable that some further protection may be necessary to sustain iron, lead, coal, sugar, raw cotton, and perhaps woollens, against foreign competition. The interests of all sections of the country will be promoted by giving additional protection to these important articles when it shall be seen that they require it; and we may safely rely upon its being given.

No section of the country will hereafter feel the necessity of protection to its staple products more than the Southern States. One half of the habitable globe is fitted by soil and climate for the production of their great staple—cotton; and its cultivation is rapidly extending in other countries as well as in our own. The East Indies alone could supply the markets of the world. The cotton of those countries has not been brought into general use, in consequence of the ignorance of the producers of the means necessary to prepare it for our machinery. The cotton gin has recently been introduced into those countries; and when it shall be brought into general use, it will be impossible for the Southern States to compete with a country so well adapted by soil and climate to the production of cotton, and where the common price of labor does not exceed six cents per day, without a protecting duty higher than will be required for any of our manufactures.

Our manufacturers have suffered frequently and severely from the excessive importation of foreign manufactures beyond what the immediate wants of the country required. The gluts in the market occasioned by such importations have kept prices unsteady, and brought embarrassment and ruin upon our domestic manufacturers operating upon small capitals. The gradual reduction of duties, established by this bill, will put a stop to these excessive importations. The merchant will see that his interest requires that he should proportion his imports to the immediate wants of the country, and will not import with a view to a distant sale, when he knows that such sale must be made at a reduced price. Reduction of price would be inevitable when he has to compete in the market with goods imported on a lower duty. The effect of the considerable and sudden reduction in 1841 and 1842 must so far check and prevent importations, as in a great degree to confine the supply to the home production, and save the home manufactures, during that period, from any considerable reduction in price. The ostensibly considerable reduction of duties which will take place in 1842, will be countervailed by the advantages which the domestic manufacturer will derive from the cash duties and the home valuation, which will then take place. By the home valuation, I understand what the words import—the price which the imported goods would sell for in cash, in open market, at the port where they are entered. This market price is ordinarily made up of the price paid for the goods in the foreign market, commissions, freight, insurance, importer's profits, and some, although a varying and uncertain, part of the duty. These several items, added to the twenty per cent. duty, will increase that duty, according to calculations which I have made, and which I believe to be correct, to twenty-five per cent. in all cases, and in some to upwards of thirty per cent. The reduction of the protecting duties proposed by this bill is so moderate and gradual, that the advances we are making in skill and improvement in machinery, the security against glutted markets, the benefit which the manufacturer will derive from the reduction of duties upon many of the imported articles which he uses or consumes, with the advantages resulting from cash duties, and the home valuation, will, when the bill comes into full operation in 1842, leave the manufacturers, generally, with a protection equal to that afforded them by the act of 1832. The manufacturers of cotton, and especially of woollen goods, have always asserted that they were deprived of a large proportion of the protection intended for their benefit by fraudulent foreign invoices, sustained by perjury.

They have estimated the loss of protection from this cause at from ten to twenty per cent. of the whole amount of the duties on the latter article. The home valuation, if rigidly enforced, will put an end to these frauds. When we take into view all the advantages which this bill affords to the woollen manufacture, we cannot estimate its protection at less than thirty per cent.; and this, secured as it will be against frauds, it is believed will be equal to any protection ever afforded it by an ad valorem duty. It is an interest of too much importance to the agriculturist, as well as the manufacturer, to be suffered to decline; and should it be found hereafter to require additional protection, it will doubtless receive it.

Our coarse cottons require no protection. We manufacture them now as cheaply as they are manufactured in any country in Europe. We have exported them for several years, to more than the amount of a million of dollars annually, at a fair profit. The finer descriptions of cotton goods will be protected by a duty of more than twenty-five per cent., an amount equal to the whole expense of the labor required to manufacture them. When we recollect that the water power which we use costs much less than the steam power used in Great Britain in this manufacture, that our establishments are subjected to a much smaller amount in the burden of taxes, and of excises upon articles required for carrying on the manufacture, we cannot doubt that all descriptions of cotton goods will receive a sufficient protection by the provisions of this bill.

It has been said that the mechanics and artisans of our country will be materially injured by the operation of this bill. An attention to its provisions will show that this assertion cannot be sustained. The law of 1832 affords a protection of only twenty-five per cent. to the product of the labor of by far the greater part of our artisans and mechanics. The whole amount of reduction made by this bill is one-half of one per cent., biennially. At the lowest point of reduction it will leave them a protection of twenty-two and a half per cent. This small reduction of two and a half per cent. will, during the time in which it exists, be more than counterbalanced by the advantage which they will derive from a security against glutted markets, and from the reduction of duties upon the articles which they use or consume. When the bill comes into full operation in 1842, they will enjoy a better protection than was given them by the act of 1832. In addition to the duty of twenty per cent., given by the bill, they will derive a benefit by the cash duties and home valuation, equal, at the most moderate calculation, to five per cent. This will make their protection equal to that given by the act of 1832. They will derive a considerable additional protection from the reduction of duties on other imported articles which they use or consume. It will be seen, by recurring to the law of 1832, that the class of manufactures protected by a duty of twenty-five per cent. is very extensive.

It embraces manufactures of iron, with a few exceptions, manufactures of steel, brass, copper, lead, tin, pewter, gilt wares, japanned wares, leather, shoes, carriages, printing types, with a long list of less important manufactures, all of which are amply and permanently protected by this bill. I believe that the bill will, during the next seven years, give adequate protection to all the existing manufactures of the country.

It will give an adequate permanent protection to all, with perhaps one or two exceptions. It will relieve the manufacturers from the dread, danger, and injuries which would continue to result from an incessant agitation of this question. It will restore quiet and harmony to those sections of the country which have been disturbed and agitated by it. It is obvious that we must legislate on this subject either at this or the next session. The President has strongly recommended such a reduction of duties as will bring them to the revenue standard. The influence of his recommendation will not be less at the next session than at the present.

I do not believe that a law more favorable to the protection of domestic industry can be obtained at the next session; and there are reasons, which need not be stated, that induce a belief, that if this bill do not pass, one more unfavorable to this interest will probably be passed at that session.

These, said Mr. B., are to my mind justifiable reasons for voting in favor of this bill, as a measure likely to promote the best interests of our country.

Mr. DICKERSON made some remarks in opposition to the bill, and concluded by moving that it be recommitted to the select committee, with instructions so to amend it that the gradual reductions of duties shall not be more unfavorable to those articles which are subject to a specific duty than to such as are subject to ad valorem duties.

Mr. SPRAGUE said, as Senators, we act not in our own right, but as public agents. This acknowledged truth is one of the reasons which induce me to give this measure my support, confident that in so doing I shall accord with the wishes of my constituents, the people of Maine, whose views and opinions it is my duty and my pleasure to consult. In the same truth, also, is found an answer to the suggestion that, in sustaining this bill, we bind ourselves by pledges, which must control our future course of legislative action.

We are agents; the extent of our authority is known to all; it is expressly defined in the constitution; we cannot go beyond it; we cannot bind the people, our successors, nor even ourselves, in our representative character, by this act, further than by all other acts of legislation. While in force it will be law, but at all times subject to revision, modification, or repeal. If the people shall acquiesce in and confirm it; if public sentiment shall be adverse to renewed and continued agitations of the subject; if the various sections of the country shall, on the whole, prefer to settle down in peace and tranquillity upon this basis, agreeable and disagreeable, in some respects, to all—then, indeed, it will be permanent and enduring. But if it shall be the deliberate will of our constituents to change or abolish it, they will do so, and that too by the instrumentality of ourselves or our successors, their servants here. I wish, therefore, to be distinctly understood, that if, from knowledge hereafter acquired, or events which shall hereafter transpire, I shall be convinced that the wishes and interests of my constituents, and of the country, shall require a revision or entire repeal of this act, I shall hold myself not only at liberty, but constrained by public duty, to attempt it. But, at the same time, I must declare my confident belief that the period will not soon arrive when public sentiment will tolerate any material alteration of its provisions, or in effect to disturb the compromise which it embraces. The circumstances under which this law is adopted; the agitations which it quiets; the convulsions which it arrests; the dangers and miseries which it averts, and the harmony and tranquillity which it restores; the magnitude and difficulty of the subject itself; the conflicting opinions and hostile passions which it has generated; and the manifest importance to every branch of domestic industry, that the incalculable mischiefs of fluctuating legislation should cease, and protection, even if more moderate in degree, be established by a permanent and enduring system; and the evident necessity, with reference to the peace and safety of the country, that violent sectional conflicts should not be renewed, are the highest and strongest guaranties for its future immunity from successful attack.

The alleged pledges which have been so strenuously objected to are supposed to be contained in those clauses which declare that certain things may, and others may not, be hereafter provided for by law. Such provisions are not unprecedented. In a bill which has passed this body at the present session, disposing, for a limited time, of the proceeds of the public lands, will be found declarations equally mandatory and restrictive upon future legislation. The second section provides that Congress may, notwithstanding that act, hereafter reduce the price of the public lands, or transfer them to the States. In the fourth section, "the power is reserved of assigning, by law," to new States, their proportion of the proceeds. The fifth section requires Congress, hereafter, annually to appropriate at least eighty thousand dollars for surveys, and prohibits the increase of the minimum price of the public lands. And yet no one objected to that bill as containing pledges constraining our future action; no one doubted, or can doubt, that if it shall become a law, it will at all times be subject, in all its parts, to revision or repeal, at the pleasure of the Legislature.

It has been vehemently urged that this bill abandons the principle of protection, and impairs the constitutional powers of the Government. So far from an abandonment of that principle, it is preserved throughout, and in every section. The first preserves a proportional protection, upon the basis of the act of last session, until the year 1842. The second section is introduced avowedly and palpably for the sole purpose of protecting a certain class of woollens, not only until 1842, but after that period. The third provides for cash duties and home valuations, with a view to protection. The fourth adds to the existing list of free articles until 1842; and the fifth makes further additions after that period, for the purpose of aiding manufactures, by furnishing commodities necessary for their successful prosecution at the cheapest rate, or to make the necessary reduction of the revenue, by removing imposts from non-protected articles, which do not enter into competition with our own productions, and reserving expressly the right of discrimination in the laying of duties. The sixth section provides a remedy for any deficiency or excess of revenue prior to 1842; also preserving the discriminating power. With what justice or propriety, then, can it be said that the bill abandons the principle of protection? Those who seriously insisted upon this must have mistaken the principle for the degree. The amount of protection is diminished. The manner in which this is accomplished has also been the subject of animadversion. For eight years to come it is agreed that it is ample, and receives all that the friends of domestic industry could reasonably desire. But beyond that period the reduction is alleged to be too great, and accomplished by a very objectionable process of equal diminution. In considering this part of the subject, it is to be constantly borne in mind, that it is agreed, on all hands, that some reduction must be made in order to bring down the revenue to the wants of the Government. The payment of the public debt has left a considerable annual surplus, which all concede cannot be usefully expended, and must not be permitted to accumulate. Resolutions declaring that there ought to be a reduction of the revenue to the necessities of the Government have been offered by several of the fast friends of the American system, particularly by the gentlemen from Pennsylvania and Massachusetts, [Mr. Wilkins and Mr. Webster,] and acquiesced in by all. The manner seems now to be the only debatable question. Theoretically, the best mode would doubtless be to take each article by itself, and decide solely with reference to its intrinsic merits, and with an impartial and disinterested view to the best interests of the whole country. But who is there so hallucinated as to imagine that such a course will be actually adopted in practice? Do we not know that each and every item will have its peculiar friends, who, from local interests, will strenuously exert themselves to rescue it from the threatened reduction, to except it from the general system, and throw the depression and loss upon others? Hence inevitably must result a conflict between the various subjects of protection; the friends of each struggling to keep up their own objects of peculiar favor as high as possible, leaving the reduction of the revenue to operate the prostration of others. In such a contest I have good reason to apprehend that the woollens interest, that in which my constituents, the farmers of Maine, and indeed of all New England, have the greatest stake—which, indeed, may be considered the great New England interest in the protective system—will be overwhelmed and sacrificed. I have for years anxiously watched the process of building up and breaking down tariffs; of increasing and diminishing protection; and have observed that there is one interest which seems to have ruled over others, literally as well as metaphorically, with a rod of iron. I well remember that in the year 1826 or '7, when a bill was before the other House to give to the woollens manufactures the protection which had been intended to be raised by the act of 1824, but which had been impaired by the counteracting legislation of Great Britain, all that was contemplated, all that was asked, was a restoration of actual protection, which former laws had designed. The comparative justice of the measure was so plain and palpable, that it seemed to command general favor, until a distinguished gentleman from Pennsylvania, now our minister at the court of St. Petersburg, rose and denominated it a New England bill; a Boston and Salem bill; declaring that, as it proposed no increase of protection for Pennsylvania interests, it ought not to be adopted. From that moment opposition became formidable, and continued to strengthen, until the measure was finally defeated. This gave rise to the celebrated Harrisburg convention, and the tariff of 1828, the formation and progress of which, in the House of Representatives, is well known, in which liberal and excessive favor was extended to iron, and comparatively scanty and meagre protection doled out to the woollens. The Senate made some material corrections. This act carried the protective tariff to its zenith. Its declension commenced, and we all well remember the character and progress of the reducing act of 1832. Discontent in one section of our country had become loud and vehement; petitions and remonstrances, persuasion and denunciation, thickened upon us; concession—concession was the word; compromise and conciliation were in the mouths of gentlemen on both sides, among whom the Senator from Pennsylvania [Mr. Wilkins] was not the least prominent. A sacrifice was to be made to calm the storm of sectional discontent; and what was the offering? Was it iron, which is of such universal demand not only at the South, but in every city, village, and cottage, within the broad borders of these United States? Oh, no; that interest was too strong; the great central political power of Pennsylvania sustained it; but the woollens, the devoted woollens, were the selected victim. The coarse fabrics—negro cloths, as they are sometimes designated—were absolutely, at one fell swoop, brought down to the nominal duty of five per cent.; and all the valuable establishments and meritorious manufacturers engaged in their production immolated to appease the angry and threatening spirit of Southern discontent. Nor was this all; while there was scarcely more than a filing taken off the iron, wool, and the other fabrics of that material, were essentially reduced. The bill, as it came from the other House, was, in this respect, amended in the Senate, to give additional aid to that interest. The other branch disagreed to these amendments; a committee of conference was appointed, and the gentleman from New Jersey, [Mr. Dickerson,] who has so long and so ably presided over the Committee on Manufactures, and who, from interest and local position, has always had a peculiar devotion to iron; and the gentleman from Pennsylvania, [Mr. Wilkins,] whose eye never winks when that preponderating production of his State is in question; and a gentleman from South Carolina, [Mr. Hayne,] who was the uncompromising enemy of all protection, constituted that committee on the part of the Senate. These were the champions, sent forth by this body, to be the guardians and defenders of the woollens interest in a contest with the House. And how did they bear themselves in the field? Two surrendered at once; and the other, having predetermined to submit, held out but for a moment, and then claimed the merit of having "died hard." Every amendment of the Senate, in favor of the woollens, was abandoned; and our own committee joined with their opponents in recommending that the House should insist, and the Senate recede, in every particular. Their report was adopted. During the present session we have had further developments. If I may be permitted to allude to the proceedings in the other branch of the National Legislature, we have there seen a bill reported by the standing Committee on Finance, and well understood to be in accordance with the views of the Executive, by which the general system of domestic protection is cut down to the bone; while this favored item of iron is exempted from the general demolition, and touched so lightly as to be but little affected. The report, which ushered in the bill, states that the duties are thereby arranged "at rates of from ten to twenty per cent.," varying from these, however, in the case of iron. That was to be still left a monument of sparing mercy. The spirit of destruction passes it by. The lightning, which blasts almost every other prominent object, leaves this unscathed, glancing lightly over the great central political power.

The measure before us has the merit of impartiality. My honorable friend from Kentucky [Mr. Clay] is the first who has had the justice and the courage to present a scheme of equal reduction. And this feature, which has been made the ground of vehement objection, is to me one of its recommendations, because it is the nearest approximation to justice to the wool and woollens of any system which I have seen, or expect to see proposed, from any quarter capable of insuring its adoption. The loudest complaints against this bill are heard from the gentlemen from Pennsylvania and New Jersey, the devoted advocates of iron, which they assure us will be more reduced than other articles. That, sir, is because its protection is now higher than others, beyond all just and due proportion. It amounts to seventy or eighty per cent., or even more. My constituents are great consumers of that article. Our shipping requires an immense quantity; our mills demand much; every mechanic, farmer, and laborer, is a purchaser. There is not a man who drives a plough, or wields a hoe, axe, or a hammer, who raises a hill of potatoes, drives a nail, saws a board, sails a boat, or casts a hook into the sea, who is not in some degree interested in the reduction of the price of iron. Ever since I have had a seat in Congress, I have protested and struggled against this heavy duty. It was one of my strongest objections to the tariff of 1828; and I have ever since sought its material reduction; but it has been hopeless, until the introduction of this bill. I am willing to extend reasonable protection to that article; I would by no means prostrate it; but I would set bounds to its exorbitant demands, and terminate its controlling dominion over others. I agree, sir, that a better theoretical mode of reducing the tariff may easily be prepared, and arguments of much force, in the abstract, may be urged against it; but I have no hopes of seeing any better carried into practice. Who that knows any thing of the condition of our country, the conflicting opinions, the opposing interests, the warring prejudices, the raging passions of different sections; who that sees that the various and immense local interests involved in the tariff may be made the elements of political combinations, appropriated as the trading capital of bargaining politicians, can expect a system of reduction by the selection of items for specific duties, either by the present or next Congress, which will be theoretically correct or practically just? As well might you expect a ship to cross the Atlantic, amid varying currents and conflicting storms, upon a straight line, laid down with mathematical correctness in the calmness of the closet. No, sir; since this difficult and arduous voyage must be made, let us apply all our sagacity to adapt our course wisely and prudently to the state of the elements by which we must be borne along, and which cannot be subjected to our control. But the greatest of all recommendations of this measure is, that it promises peace, harmony, and tranquillity to this agitated and distracted country, the preservation of this invaluable Union, this great temple of human liberty, the citadel of the rights of mankind. It is the bow of promise in the troubled sky; the darkening and lowering clouds will be dispersed; the murmurings of the coming tempest will cease; and we may hope that halcyon days of calmness and peace, of mutual confidence and paternal regard, will again return, and the star-spangled banner, the glorious ensign of our glorious Union, forever wave over a united, free, prosperous, and happy people.

Mr. HOLMES next took the floor on the same side of the question, and, after a speech of about fifteen minutes, was succeeded by

Mr. DICKERSON, who again explained his views in opposition to the passage of the bill. He continued his argument for about half an hour; when

Mr. CLAY rose and stated, that inasmuch as it was represented that the House of Representatives had just now passed a bill, similar, if not identical, in its provisions to the one before the Senate, and it was believed it would, to-morrow, be presented to the Senate to sanction, it would obviate the reasons for a longer continuance of a laborious day's session of this body, and also supersede the objections of some Senators, who believed the Senate was not the proper place for the origin of this bill. He, therefore, moved that the Senate adjourn.

The motion was carried, and the Senate adjourned.

TUESDAY, FEBRUARY 26.

MR. CALHOUN'S RESOLUTIONS.

The resolutions heretofore introduced by Mr. CALHOUN, declaratory of the nature and power of this Government, being the special order of the day, were taken up.

Mr. CALHOUN rose in their support. When, said he, the bill, with which the resolutions are connected, was under discussion, the Senator from Massachusetts thought proper to give his remarks a personal bearing in reference to myself. I had said nothing to justify this course on the part of that gentleman. I had, it is true, denounced the bill in strong language, but not stronger than the rules which govern parliamentary proceedings permit; nor stronger than the character of the bill, and its bearing on the State which it is my honor to represent, justified. I am at a loss to understand what motive governed the Senator, in giving a personal character to his remarks. If he intended any thing unkind—[Here Mr. WEBSTER said, audibly, Certainly not; and Mr. C. replied,] I will not then say what I intended, if such had been his motives; but still I must be permitted to ask, if he intended nothing unkind, what was the object of the Senator? Was his motive to strengthen a cause which he feels to be weak, by giving the discussion a personal direction? If such was his motive, his experience as a debater ought to have taught him that it was one of those weak devices which seldom fails to react on those who resort to it. If his motive was to acquire popularity, by attacking one who voluntarily, and from a sense of duty—from a deep conviction that liberty and the constitution were at stake—had identified himself with an unpopular question, I would say to him, that a true sense of dignity would have impelled him in an opposite direction. Among the possible motives which might have influenced him, there is another, to the imputation of which he is exposed, but which certainly I will not attribute to him—that his motive was to propitiate in a certain high quarter; a quarter in which he must know that no offering could be more acceptable than the immolation of the character of him who now addresses you. But whatever may have been the motive of the Senator, I can assure him that I will not follow his example. I never had any inclination to gladiatorial exhibitions in the halls of legislation; and if I now had, I certainly would not indulge them on so solemn a question; a question, which, in the opinion of the Senator from Massachusetts, as expressed in debate, involves the Union of these States; and, in mine, the liberty and the constitution of the country. Before, however, I conclude the prefatory observations, I must allude to the remark which the Senator made at the termination of the argument of my friend from Mississippi, [Mr. POINDEXTER.] I understood the Senator to say that, if I chose to put at issue his character for consistency, he stood prepared to vindicate his course. I assure the Senator that I have no idea of calling in question his consistency, or that of any other member of this body. It is a subject in which I feel no concern; but if I am to understand the remark of the Senator as intended indirectly as a challenge to put in issue the consistency of my course as compared to his own, I have to say that, although I do not accept of his challenge, yet, if he should think proper to make a trial of character on that or any other point connected with our public conduct, and will select a suitable occasion, I stand prepared to vindicate my course, as compared with his, or that of any other member of this body, for consistency of conduct, purity of motive, and devoted attachment to the country and its institutions.

Having made these remarks, which have been forced upon me, I shall now proceed directly to the subject before the Senate; and in order that it may, with all its bearings, be fully understood, I must go back to the period at which I introduced the resolutions. They were introduced in connexion with the bill which has passed this House, and is now pending before the other. That bill was couched in general terms, without naming South Carolina or any other State, though it was understood, and avowed by the committee, as intended to act directly on her.

Believing that the Government had no right to use force in the controversy, and that the attempt to introduce it rested upon principles utterly subversive of the constitution and the sovereignty of the States, I drew up the resolutions, and introduced them expressly with the view to test those principles, with a desire that they should be discussed and voted on before the bill came up for consideration. The majority ordered otherwise. The resolutions were laid on the table, and the bill taken up for discussion. Under this arrangement, which it was understood originated with the committee that reported the bill, I, of course, concluded that its members would proceed in the discussion, and explain the principles, and the necessity for the bill, before the other Senators would enter into the discussion, and particularly those from South Carolina. Understanding, however, that by the arrangement of the committee, it was allotted to the Senator from Tennessee to close the discussion on the bill, I waited to the last moment in expectation of hearing from the Senator from Massachusetts. He is a member of the committee. But, not hearing from him, I rose to speak to the bill, and, as soon as I had concluded, the Senator from Massachusetts rose—I will not say to reply to me, and certainly not to discuss the bill, but the resolutions which had been laid on the table, as I have stated. I do not state these facts in the way of complaint, but in order to explain my own course. The Senator having directed his argument against my resolutions, I felt myself compelled to seize the first opportunity to call them up from the table, and to assign a day for their discussion, in the hope not only that the Senate would hear me in their vindication, but would also afford me an opportunity of taking the sense of this body on the great principles on which they are based.

The Senator from Massachusetts, in his argument against the resolutions, directed his attack almost exclusively against the first, on the ground, I suppose, that it was the basis of the other two, and that, unless the first could be demolished, the others would follow of course. In this he was right. As plain and as simple as the facts contained in the first are, they cannot be admitted to be true, without admitting the doctrines for which I, and the State I represent, contend. He [Mr. W.] commenced his attack with a verbal criticism on the resolution, in the course of which he objected strongly to two words, "constitutional" and "accede." To the former, on the ground that the word, as used, (constitutional compact,) was obscure; that it conveyed no definite meaning; and that the constitution was a noun substantive, and not an adjective. I regret that I have exposed myself to the criticism of the Senator. I certainly did not intend to use any expression of a doubtful sense; and if I have done so, the Senator must attribute it to the poverty of my language, and not to design. I trust, however, that the Senator will excuse me, when he comes to hear my apology. In matters of criticism, authority is of the highest importance; and I have an authority of so high a character, in this case, for using the expression which he considers so obscure and so unconstitutional, as will justify me even in his eyes. It is no less than the authority of the Senator himself—given on a solemn occasion, (the discussion on Mr. Foot's resolution,) and doubtless with great deliberation, after having duly weighed the force of the expression.

[Here Mr. C. read from WEBSTER's speech in reply to Mr. HAYNE, in the Senate of the United States, delivered January 26, 1830, as follows:

"The domestic slavery of the South I leave where I find it—in the hands of their own Governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under the Federal Government. We know, sir, that the representation of the States in the other House is not equal. We know that great advantage, in that respect, is enjoyed by the slaveholding States; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal; the habit of the Government being almost invariably to collect its revenues from other sources and in other modes. Nevertheless, I do not complain; nor would I countenance any movement to alter this arrangement of representation. It is the original bargain—the compact; let it stand; let the advantage of it be fully enjoyed. The Union itself is too full of benefits to be hazarded in propositions for changing its original basis. I go for the constitution as it is, and for the Union as it is. But I am resolved not to submit, in silence, to accusations, either against myself individually, or against the North, wholly unfounded and unjust--accusations which impute to us a disposition to evade the CONSTITUTIONAL COMPACT, and to extend the power of the Government over the internal laws and domestic condition of the States."]

It will be seen, by this extract, that the Senator not only uses the phrase "constitutional compact," which he now so much condemns, but, what is still more important, he calls the constitution itself a compact—a bargain; which contains important admissions, having a direct and powerful bearing on the main issue involved in the discussion, as will appear in the course of his remarks. But, as strong as his objection is to the word "constitutional," it is still stronger to the word "accede," which, he thinks, has been introduced into the resolution with some deep design—as, I suppose, to entrap the Senate into an admission of the doctrine of State rights. Here, again, I must shelter myself under authority. But I suspect that the Senator, by a sort of instinct, (for our instincts often strangely run before our knowledge,) had a prescience, which would account for his aversion to the word, that this authority was no less than Thomas Jefferson himself, the great apostle of the doctrine of State rights. The word was borrowed from him. It was taken from the Kentucky resolution, as well as the substance of the resolution itself. But I trust that I may neutralize whatever aversion the authorship of this word may have excited in the mind of the Senator, by the introduction of another authority—that of Washington himself--who, in his speech to Congress, speaking of the admission of North Carolina into the Union, uses this very term, which was repeated by the Senate in their reply. Yet, in order to narrow the ground between the Senator and myself as much as possible, I will accommodate myself to his strange antipathy against the two unfortunate words, by striking them out of the resolution, and substituting in their place those very words which the Senator himself has designated as constitutional phrases. In the place of that abhorred adjective "constitutional," I will insert the very noun substantive "constitution;" and in the place of the word "accede," I will insert the word "ratify," which he designates as the proper term to be used.

Let us now see how the resolution stands, and how it will read after these amendments. Here, Mr. C. said the resolution, as introduced, reads:

Resolved, That the people of the several States composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate and sovereign community, each binding itself by its own particular ratification; and that the union, of which the said compact is the bond, is a union between the States ratifying the same.

As proposed to be amended:

Resolved, That the people of the several States composing these United States are united as parties to a compact, under the title of the constitution of the United States, which the people of each State ratified as a separate and sovereign community, each binding itself by its own particular ratification; and that the union, of which the said compact is the bond, is a union between the States ratifying the same.

Where, sir, I ask, is that plain case of revolution? Where that hiatus, as wide as the globe, between the premises and conclusion, which the Senator proclaimed would be apparent, if the resolution was reduced into constitutional language? For my part, with my poor powers of conception, I cannot perceive the slightest difference between the resolution as first introduced, and as it is proposed to be amended in conformity to the views of the Senator. And, instead of that hiatus between the premises and conclusion, which seems to startle the imagination of the Senator, I can perceive nothing but a continuous and solid surface, sufficient to sustain the magnificent superstructure of State rights. Indeed, it seems to me that the Senator's vision is distorted by the medium through which he views every thing connected with the subject; and that the same distortion which has presented to his imagination this hiatus, as wide as the globe, where not even a fissure exists, also presented that beautiful and classical image of a strong man struggling in a bog, without the power of extricating himself, and incapable of being aided by any friendly hand; while, instead of struggling in a bog, he stands on the everlasting rock of truth.

Having now noticed the criticism of the Senator, I shall proceed to meet and repel the main assault on the resolution. He directed his attack against the strong point, the very horn of the citadel of State rights. The Senator clearly perceived that if the constitution be a compact, it was impossible to deny the assertions contained in the resolutions, or to resist the consequences which I had drawn from them; and, accordingly, he directed his whole fire against that point; but, after so vast an expenditure of ammunition, not the slightest impression, so far as I can perceive, has been made. At least, the work is not reduced to that heap of ruins to which the fire of the French artillery reduced the citadel of Antwerp. I will not, however, pretend to decide whether this is owing to the difference in the skill and force of the assault, or in the difference of the strength of the works. But, to drop the simile, after a careful examination of the notes which I took of what the Senator said, I am now at a loss to know whether, in the opinion of the Senator, our constitution is a compact or not, though the almost entire argument of the Senator was directed to that point. At one time he would seem to deny directly and positively that it was a compact; while at another he would appear, in language not less strong, to admit that it was.

I have collated all that the Senator has said upon this point; and that what I have stated may not appear exaggerated, I will read his remarks in juxtaposition. He said that

"The constitution means a government, not a compact. Not a constitutional compact, but a government. If compact, it rests on plighted faith, and the mode of redress would be to declare the whole void. States may secede, if a league or compact."

I thank the Senator for these admissions, which I intend to use hereafter.

Here Mr. C. proceeded to read from his notes:

"The States agreed that each should participate in the sovereignty of the other."

Certainly, a very correct conception of the constitution; but when did they make that agreement but by the constitution? and how could they agree but by compact?

"The system, not a compact between States, in their sovereign capacity, but a government proper, founded on the adoption of the people, and creating individual relations between itself and the citizens."

This the Senator lays down as a leading fundamental principle to sustain his doctrine, and I must say, by a strange confusion and uncertainty of language; not, certainly, to be explained by any want of command of the most appropriate words on his part.

"It does not call itself a compact, but a constitution. The constitution rests on compact, but it is no longer a compact."

I would ask to what compact does the Senator refer, as that on which the constitution rests? Before the adoption of the present constitution, the States had formed but one compact, and that was the old confederation; and certainly the gentleman does not intend to assert that the present constitution rests upon that. What, then, is his meaning? What can it be, but that the constitution itself is a compact? and how will his language read when fairly interpreted, but that the constitution was a compact, but is no longer a compact? It had, by some means or other, changed its nature, or become defunct.

He next states that

"A man is almost untrue to his country who calls the constitution a compact."

I fear that the Senator, in calling it a compact, a bargain, has called down this heavy denunciation on his own head. He finally states that

"It is founded on compact, but not a compact results from it."

To what are we to attribute this strange confusion of words? The Senator has a mind of high order, and perfectly trained to the most exact use of language. No man knows better the precise import of the words he uses. The difficulty is not in him, but in his subject. He who undertakes to prove that this constitution is not a compact, undertakes a task which, be his strength ever so great, he must be oppressed by its weight. Taking the whole of the argument of the Senator together, I would say that it is his impression that the constitution is not a compact, and will now proceed to consider the reason which he has assigned for this opinion.

He thinks there is an incompatibility between *constitution* and *compact*. To prove this, he adduces the words "ordain and establish," contained in the preamble of the constitution. I confess I am not capable of perceiving in what manner these words are incompatible with the idea that the constitution is a compact. The Senator will admit that a single State may ordain a compact; and where is the difficulty, where the incompatibility of two States concurring in ordaining and establishing a constitution? As between the States themselves, the instrument would be a compact; but in reference to the Government, and those on whom it operates, it would be ordained and established—ordained and established by the joint authority of two, instead of the single authority of one.

The next argument which the Senator advances to show that the language of the constitution is irreconcilable with the idea of its being a compact, is taken from that portion of the instrument which imposes prohibitions on the authority of the States. He said that the language used in imposing the prohibitions is the language of a superior to an inferior; and that, therefore, it was not the language of a compact, which implies the equality of the parties. As a proof, the Senator cited the several provisions of the constitution which provide that no State shall enter into treaties of alliance and confederation, lay imposts, &c. without the assent of Congress. If he had turned to the articles of the old confederation, which he acknowledges to have been a compact, he would find that those very prohibitory articles of the constitution are borrowed from that instrument; that the language which he now considers as implying superiority, was taken *verbatim* from it. If he had extended his researches still farther, he would find that it is the habitual language used in treaties, whenever a stipulation is made against the performance of any act. Among many instances which I could cite, if it were necessary, I refer the Senator to the celebrated treaty negotiated by Mr. Jay with Great Britain in 1793, and in which the very language used in the constitution is employed.

To prove that the constitution is not a compact, the Senator next observes, that it stipulates nothing; and asks, with an air of triumph, where are the evidences of the stipulations between the States? I must express my surprise at this interrogatory, coming from so intelligent a source. Has the Senator never seen the ratification of the constitution by the several States? Did he not cite them on this very occasion? Do they contain no evidence of this stipulation on the part of the States? Nor is the assertion less strange, that the constitution contains no stipulation. So far from regarding it in the light in which the Senator regards it, I consider the whole instrument but a mass of stipulation. What is that but a stipulation to which the Senator refers, when he states, in the course of his argument, that each State had agreed to participate in the sovereignty of the others?

But the principal argument on which the Senator relied, to show that the constitution is not a compact, rests on the provision in that instrument which declares that "this constitution, and the laws made in pursuance thereof, and treaties made under their authority, are the supreme law of the land." He asked, with marked emphasis, can a compact be the supreme law of the land? I ask, in return, whether treaties are not compacts; and whether treaties, as well as the constitution, are not declared to be the supreme law of the land? His argument, in fact, as conclusively proves that treaties are not compacts, as it does that this constitution is not a compact. I might rest this point on this decisive answer; but as I desire to leave not a shadow of doubt on this important point, I shall follow the gentleman in the course of his reasoning.

He defines a constitution to be a fundamental law, which organizes the Government, and points out the mode of its action. I will not object to the definition, though, in my opinion, a more appropriate one, or at least one better adapted to American ideas, could be given. My objection is not to the definition, but to the attempt to prove that the fundamental laws of a State cannot be a compact, as the Senator seems to suppose. I hold the very reverse to be the case; and that, according to the most approved writers on the subject of government, these very fundamental laws, which are now stated not only not to be compacts, but inconsistent with the very idea of compacts, are held invariably to be compacts, and in that character are distinguished from the ordinary laws of the country. I will cite a single authority, which is full and explicit on this point, from a writer of the highest repute.

Burlamaqui says, vol. ii, part 1, chap. 1, sec. 35, 36, 37, 38: "It entirely depends upon a free people to invest the Sovereigns, whom they place over their heads, with an authority, either absolute, or limited by certain laws. These regulations, by which the supreme authority is kept within bounds, are called the fundamental laws of the State.

"The fundamental laws of a State, taken in their full extent, are not only the decrees by which the entire body of the nation determine the form of government, and the manner of succeeding to the crown, but are likewise covenants between the people and the person on whom they confer the sovereignty, which regulate the manner of governing, and by which the supreme authority is limited.

"These regulations are called fundamental laws, because they are the basis, as it were, and foundation of the State, on which the structure of the Government is raised, and because the people look upon these regulations as their principal strength and support.

"The name of laws, however, has been given to these regulations in an improper and figurative sense; for, properly speaking, they are real covenants. But as those covenants are obligatory between the contracting parties, they have the force of laws themselves."

The same—2d vol. part 2, chap. 1, sec. 19 and 22, in part: "The whole body of the nation, in whom the supreme power originally resides, may regulate the Government by a fundamental law, in such manner as to commit the exercise of the different parts of the supreme power to different persons or bodies, who may act independently of each other in regard to the rights committed to them, but still subordinate to the laws from which those rights are derived."

"And these fundamental laws are real covenants, or what the civilians call *pacta conventa*, between the different orders of the republic, by which they stipulate that each shall have a particular part of the sovereignty, and that this shall establish the form of government. It is evident that by these means each of the contracting parties acquires a right, not only of exercising the power granted to it, but also of preserving that original right."

A reference to the constitution of Great Britain, with which we are better acquainted than with that of any other European Government, will show that it is a compact. Magna Charta may certainly be reckoned among the fundamental laws of that kingdom. Now, although it did not assume originally the form of a compact, yet, before the breaking up of the meeting of the barons, who imposed it on King John, it was reduced into the form of a covenant, and duly signed by Robert Fitzwalter and others on the one part, and the King on the other.

But we have a more decisive proof that the constitution of England is a compact, in the resolution of the Lords and Commons in 1688, which declared that "King James the Second, having endeavored to subvert the constitution of the kingdom, by breaking the original contract between the King and the People; and having, by the advice of Jesuits and other wicked persons, violated the fundamental law, and withdrawn himself out of the kingdom, hath abdicated the Government, and that the throne is thereby become vacant."

But why should I refer to writers upon the subject of government, or inquire into the constitutions of foreign States, when there are such decisive proofs that our constitution is a compact. On this point the Senator is estopped. I borrow from the gentleman, and thank him for the word. His adopted State, which he so ably represents on this floor, and his native State, (the States of Massachusetts and New Hampshire,) both declared, in their ratification of the constitution, that it was a compact. The ratification of Massachusetts is in the following words:

"*In Convention of the Delegates of the People of the Commonwealth of Massachusetts, February* 6, 1788.

"The convention having impartially discussed and fully considered the constitution of the United States of America, reported to Congress by the convention of delegates from the United States of America, and submitted to us by a resolution of the General Court of said Commonwealth, passed the 25th day of October last past; and acknowledging, with grateful hearts, the goodness of the Supreme Ruler of the universe, in affording the people of the United States, in the course of his providence, an opportunity, deliberately and peaceably, without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new constitution, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and of Massachusetts, do assent to and ratify the said constitution for the United States of America."

The ratification of New Hampshire is taken from that of Massachusetts, and almost in the same words. But proof, if possible, still more decisive, may be found in the celebrated resolutions of Virginia, on the alien and sedition law, in 1798, and the responses of Massachusetts and the other States. Those resolutions expressly assert that the constitution is a compact between the States, in the following language:

[Here Mr. C. read from the resolutions of Virginia, as follows:]

"That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.

"That the General Assembly doth also express its deep regret that a spirit has in sundry instances been manifested by the Federal Government to enlarge its powers by forced constructions of the constitutional charter, which defines them; and that indications have appeared of a design to expound certain general phrases, (which having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued,) so as to destroy the meaning and effect of the particular enumeration, which necessity explains, and limits the general phrases, and so as to consolidate the States by degrees into one sovereignty, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute, or, at best, a mixed monarchy."

They were sent to the several States. We have the reply of Delaware, New York, Connecticut, New Hampshire, Vermont, and Massachusetts, not one of which contradicts this important assertion on the part of Virginia; and, by their silence, they all acquiesce in its truth. The case is still stronger against Massachusetts, which expressly recognises the fact that the constitution is a compact.

In her answer, she says—[Here Mr. C. read from the answer of Massachusetts as follows:]

"But they deem it their duty solemnly to declare, that while they hold sacred the principle, that consent of the people is the only pure source of just and legitimate power, they cannot admit the right of the State Legislatures to denounce the administration of that Government to which the people themselves, by solemn compact, have exclusively committed their national concerns. That, although a liberal and enlightened vigilance among the people is always to be cherished, yet an unreasonable jealousy of the men of their choice, and a recurrence to measures of extremity upon groundless or trivial pretexts, have a strong tendency to destroy all rational liberty at home, and to deprive the United States of the most essential advantages in their relations abroad. That this Legislature are persuaded that the decision of all cases in law or equity, arising under the constitution of the United States, and the construction of all laws made in pursuance thereof, are exclusively vested by the people in the judicial courts of the United States.

"That the people, in that solemn compact which is declared to be the supreme law of the land, have not constituted the State Legislatures the judges of the acts or measures of the Federal Government, but have confided to them the power of proposing such amendments to the constitution as shall appear to them necessary to the interests, or conformable to the wishes, of the people whom they represent."

Now, I ask the Senator himself—I put it to his candor to say, if South Carolina be estopped on the subject of the protective system, because Mr. C. and Mr. Smith proposed a moderate duty on hemp, or some other article—I know not what, nor do I care—with a view of encouraging its production, (of which motion, I venture to say, not one individual in a hundred in the State ever heard,) whether he and Massachusetts, after this clear, full, and solemn recognition, that the constitution is a compact, both on his part and that of his State, be not forever estopped on this important point?

There remains one more of the Senator's arguments to prove that the constitution is not a compact, to be considered. He says it is not a compact, because it is a Government; which he defines to be an organized body, possessed of the will and power to execute its purposes, by its own proper authority; and which he says bears not the slightest resemblance to a compact. But I would ask the Senator, who ever considered a Government, when spoken of as the agent to execute the powers of the constitution, as distinct from the constitution itself, as a compact?

In that light it would be a perfect absurdity. It is true that, in general and loose language, it is often said that the Government is a compact—meaning the constitution which created it, and vested it with authority to execute the powers contained in the instrument; but when the distinction is drawn between the constitution and the Government, as the Senator has done, it would be as ridiculous to call the Government a compact, as to call an individual, appointed to execute provisions of the contract, a contract; and not less so, to suppose that there could be the slightest resemblance between them. In connexion with this point, the Senator, to prove that the constitution is not a compact, asserts that it is wholly independent of the State; and pointedly declares that the States have not a right to touch a hair of its head; and this, with that provision in the constitution, that three-fourths of the States have a right to alter, change, or amend, or even to abolish it, staring him in the face.

I have examined all of the arguments of the Senator intended to prove that the constitution is not a compact; and I trust I have shown, by the clearest demonstration, that his arguments are perfectly inconclusive, and that his assertion is against the clearest and most solemn evidence—evidence of record; and of such a character that they ought to close his lips forever.

I turn now to consider the other, and apparently contradictory aspect in which the Senator presented this part of the subject--I mean that one in which he states that the Government is founded in compact, but is no longer a compact. I have already remarked that no other interpretation could be given to this assertion, except that the constitution was once a compact, but is no longer so. There is a vagueness and indistinctness in this part of the Senator's argument, which left me altogether uncertain as to its real meaning. If he meant, as I presume he did, that the compact is an executed, and not an executory one; that its object was to create a Government, and to invest it with a proper authority; and that, having executed this office, it had performed its functions, and with it had ceased to exist; then we have the extraordinary avowal that the constitution is a dead letter--that it has ceased to have any binding effect, or any practical influence or operation.

It had, indeed, often been charged that the constitution had become a dead letter; that it was continually violated, and had lost all its control over the Government; but no one had ever before been bold enough to advance a theory on the avowed basis that it was an executed, and therefore an extinct instrument. I will not seriously attempt to refute an argument which to me appears so extravagant. I had thought that the constitution was to endure forever; and that, so far from its being an executed contract, it contained great trust powers for the benefit of those who created it, and all future generations, which never could be finally executed during the existence of the world, if our Government should so long endure.

I will now return to the first resolution, to see how the issue stands between the Senator from Massachusetts and myself. It contains three propositions: first, that the constitution is a compact; second, that it was formed by the States, constituting distinct communities; and lastly, that it is a subsisting and binding compact between the States. How do these three propositions now stand? The first, I trust, has been satisfactorily established: the second, the Senator has admitted--faintly, indeed, but still he has admitted it to be true. This admission is something. It is so much gained by discussion. Three years ago even this was a contested point. But I cannot say that I thank him for the admission--we owe it to the force of truth. The fact that these States were declared to be free and independent States at the time of their independence; that they were acknowledged to be so by Great Britain in the treaty which terminated the war of the revolution, and secured their independence; that they were recognised in the same character in the old articles of the confederation; and, finally, that the present constitution was formed by a convention of the several States, afterwards submitted to them for their ratification, and was ratified by them separately, each for itself, and each by its own act binding its citizens, formed a body of facts too clear to be denied, and too strong to be resisted.

It now remians to consider the third and last proposition contained in the resolution; that it is a binding and a subsisting compact between the States. The Senator was not explicit on this point. I understood him, however, as asserting, that, though formed by the States, the constitution was not binding between the States as distinct communities, but between the American people in the aggregate; who, in consequence of the adoption of the constitution, according to the opinion of the Senator, became one people, at least to the extent of the delegated powers. This would, indeed, be a great change. All acknowledge that previous to the adoption of the constitution, the States constituted distinct and independent communities, in full possession of their sovereignty; and, surely, if the adoption of the constitution was intended to effect a great and important change in their condition, which the theory of the Senator supposes, some evidence of it ought to be found in the instrument itself. It professes to be a careful and full enumeration of all the powers which the States delegated, and of every modification of their political condition. The Senator said that he looked to the constitution in order to ascertain its real character; and surely he ought to look to the same instrument in order to ascertain what changes were in fact made in the political condition of the States and the country. But, with the exception of "we, the people of the United States," in the preamble, he has not pointed out a single indication in the constitution of the great change which he conceives has been effected in this respect.

Now, sir, I intend to prove that the only argument on which the gentleman relies on this point must utterly fail him. I do not intend to go into a critical examination of the expression of the preamble to which I have referred. I do not deem it necessary; but, were it so, it might be easily shown that it is at least as applicable to my view of the constitution as to that of the Senator; and that the whole of his argument on this point rests on the ambiguity of the term "thirteen United States;" which may mean certain territorial limits, comprehending within them the whole of the States and Territories of the Union. In this sense the people of the United States may mean all the people living within these limits, without reference to the States or Territories in which they may reside, or of which they may be citizens; and it is in this sense only that the expression gives the least countenance to the argument of the Senator.

But it may also mean the States united; which inversion alone, without further explanation, removes the ambiguity to which I have referred. The expression, in this sense, obviously means no more than to speak of the people of the several States in their united and confederated capacity; and, if it were requisite, it might be shown that it is only in this sense that the expression is used in the constitution. But it is not necessary. A single argument will forever settle this point. Whatever may be the true meaning of this expression, it is not applicable to the condition of the States as they exist under the constitution, but as it was under the old confederation, before its adoption. The constitution had not yet been adopted; and the States, in ordaining it, could only speak of themselves in the condition in which they then existed, and not in that in which they would exist under the constitution. So that, if the argument of the Senator proves any thing, it proves, not, as he supposes, that the constitution forms the American people into an aggregate mass of individuals, but that such was their political condition, before its adoption, under the old confederation, directly contrary to his argument in the previous part of this discussion.

But I intend not to leave this important point, the last refuge of those who advocate consolidation, even on this conclusive argument. I have shown that the constitution affords not the least evidence of the mighty change of the political condition of the States and the country, which the Senator supposed it operated; and I intend now, by the most decisive proof, drawn from the constitutional instrument itself, to show that no such change was intended; and that the people of the States are united under it as States, and not as individuals. On this point, there is a very important part of the constitution entirely and strangely overlooked by the Senator in this debate, as it is expressed in the first resolution, which furnishes conclusive evidence, not only that the constitution is a compact, but a subsisting compact binding between the States. I allude to the seventh article, which provides that "the ratification of the convention of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same." Yes, between the States--a little word means a volume--compacts, not laws, bind between the States; and it here binds not between individuals, but between the States. The States ratify; implying, as strong as language can make it, that the constitution is what I have asserted it to be--a compact ratified by the States, and a subsisting compact binding the States ratifying it.

But, sir, I will not leave this point, all important in establishing the true theory of our Government, on this argument alone, demonstrative and conclusive as I hold it to be. Another, not much less powerful, but of a different character, may be drawn from the tenth amended article, which provides that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The article of ratification which I have just cited, informs us that the constitution, which delegates powers, was ratified by the States, and is binding between them. This informs us to whom the powers are delegated—a most important fact in determining the point immediately at issue between the Senator and myself. According to his views, the constitution created a union between individuals, (if the solecism may be allowed,) and that it formed, at least to the extent of the powers delegated, one people, and not a federal union of the States, as I contend. Or, to express the same idea differently, that the delegation of powers was to the American people in the aggregate, (for it is only by such delegation that they could be made into one people,) and not to the United States; directly contrary to the article just cited, which declares that the powers are delegated to the United States. And here it is worthy of notice, that the Senator cannot shelter himself under the ambiguous phrase "to the people of the United States," under which he would certainly have taken refuge, had the constitution so expressed it; but, fortunately for the cause of truth and for the great principles of constitutional liberty for which I am contending, "people," is omitted; thus making the delegation of power clear and unequivocal to the United States, as distinct political communities, and conclusively proving that all the powers delegated are reciprocally delegated by the States to each other, as distinct political communities.

So much for the delegated powers. Now, as all admit, and as it is expressly provided for in the constitution, the reserved powers are reserved to the States respectively, or to the people, none will pretend that, as far as they are concerned, we are one people; though the argument to prove it, however absurd, would be far more plausible than that which goes to show that we are one people to the extent of the delegated powers. This reservation, "to the people," might, in the hands of subtle and trained logicians, be a peg to hang a doubt upon; and had the expression "to the people" been connected, as fortunately it is not, with the delegated instead of the reserved powers, we should not have heard of this in the present discussion.

I have now established, I hope, beyond the power of controversy, every allegation contained in the first resolution: that the constitution is a compact formed by the people of the several States, as distinct political communities, subsisting and binding between the States in the same character; which brings me to the consideration of the consequences which may be fairly deduced, in reference to the character of our political system, from these established facts.

The first, and most important, is, that they conclusively establish that ours is a federal system; a system of States, arranged in a federal Union, and each retaining its distinct existence and sovereignty. Ours has every attribute which belongs to a federative system. It is founded on compact; it is formed by sovereign communities; and is binding between them in their sovereign capacity. I might appeal, in confirmation of this assertion, to all elementary writers on the subject of government; but will content myself with citing one only. Burlamaqui, quoted with approbation by Judge Tucker, in his Commentary on Blackstone, himself a high authority, says: [Here Mr. C. read from Tucker's Blackstone as follows:]

Extracts from Blackstone's Commentaries.

"Political bodies, whether great or small, if they are constituted by a people formerly independent, and under no civil subjection, or by those who justly claim independency from any civil power they were formerly subject to, have the civil supremacy in themselves, and are in a state of equal right and liberty with respect to all other States, whether great or small. No regard is to be had in this matter to names; whether the body politic be called a kingdom, an empire, a principality, a dukedom, a country, a republic, or free town. If it can exercise justly all the essential parts of civil power within itself, independently of any other person or body politic, and no other hath any right to rescind or annul its acts, it has the civil supremacy, how small soever its territory may be, or the number of its people, and has all the rights of an independent State.

"This independency of States, and their being distinct political bodies from each other, is not obstructed by any alliance or confederacies whatsoever, about exercising jointly any parts of the supreme powers, such as those of peace and war, in league offensive and defensive. Two States, notwithstanding such treaties, are separate bodies and independent.

"These are, then, only deemed politically united when some one person, or council, is constituted with a right to exercise some essential powers for both, and to hinder either from exercising them separately. If any person or council is empowered to exercise all these essential powers for both, they are then one State: such is the state of England and Scotland, since the act of union made at the beginning of the eighteenth century, whereby the two kingdoms were incorporated into one; all parts of the supreme power of both kingdoms being thenceforward united, and vested in the three estates of the realm of Great Britain. By which entire coalition, though both kingdoms retain their ancient laws and usages in many respects, they are as effectually united and incorporated as the several petty kingdoms which composed the heptarchy, before that period.

"But when only a portion of the supreme civil power is vested in one person or council for both, such as that of peace and war, or of deciding controversies between different States or their subjects, whilst each within itself exercises other parts of the supreme power, independently of all others; in this case, they are called systems of States, which Burlamaqui defines to be an assemblage of perfect Governments, strictly united by some common bond, so that they seem to make but a single body with respect to those affairs which interest them in common, though each preserves its sovereignty full and entire, independently of all others. And in this case, he adds, the confederate States engage to each other only to exercise, with common consent, certain parts of the sovereignty, especially that which relates to their mutual defence against foreign enemies. But each of the confederates retains an entire liberty of exercising, as it thinks proper, those parts of the sovereignty which are not mentioned in the treaty of union, as parts that ought to be exercised in common. And of this nature is the American Confederacy, in which each State has resigned the exercise of certain parts of the supreme civil power which they possessed before, (except in common with the other States included in the confederacy,) reserving to themselves all their former powers which are not delegated to the United States by the common bond of union.

"A visible distinction, and not less important than obvious, occurs to our observation in comparing these different kinds of union. The kingdoms of England and Scotland are united into one kingdom; and the two contracting States, by such an incorporate union, are, in the opinion of Judge Blackstone, totally annihilated, without any power of revival; and a third arises from their conjunction, in which all the rights of sovereignty, and particularly that of legislation, are vested. From whence he expresses a doubt whether any infringements of the fundamental and essential conditions of the union would of itself dissolve the union of those kingdoms; though he readily admits that, in the case of a federate alliance, such an infringement would certainly rescind the compact between the confederate States. In the United States of America, on the contrary, each State retains its own antecedent form of government; its own laws, subject to the alteration and control of its own Legislature only; its own executive officers and council of state; its own courts of judicature, its own judges, its own magistrates, civil officers, and officers of the militia; and, in short, its own civil state, or body politic, in every respect whatsoever. And by the express declaration of the twelfth article of the amendments to the constitution, 'the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.' In Great Britain a new civil State is created by the annihilation of two antecedent civil States; in the American States, a general federal council and administration is provided for the joint exercise of such of their several powers as can be more conveniently exercised in that mode than any other; leaving their civil State unaltered, and all other powers which the States antecedently possessed to be exercised by them respectively, as if no union or connexion were established between them.

"The ancient Achaia seems to have been a confederacy founded upon a similar plan; each of those little States had its distinct possessions, territories, and boundaries; each had its Senate or Assembly, its magistrates and judges; and every State sent deputies to the general convention, and had equal weight in all determinations. And most of the neighboring States which, moved by fear of danger, acceded to this confederacy, had reason to felicitate themselves.

"These confederacies, by which several States are united together by a perpetual league of alliance, are chiefly founded upon this circumstance, that each particular people choose to remain their own masters, and yet are not strong enough to make head against a common enemy. The purport of such an agreement usually is, that they shall not exercise some part of the sovereignty thereto specified, without the general consent of each other. For the leagues to which these systems of States owe their rise seem distinguished from others, (so frequent among different States,) chiefly by this consideration: that in the latter each confederate people determine for themselves, by their own judgment, to certain mutual performances, yet so that, in all other respects, they design not in the least to make the exercise of that part of the sovereignty whence these performances proceed dependent on the consent of their allies, or to retrench any thing from their full and unlimited power of governing their own States. Thus we see that ordinary treaties propose, for the most part, as their aim, only some particular advantage of the States thus transacting; their interests happening at present to fall in with each other; but do not produce any lasting union as to the chief management of affairs. Such was the treaty of alliance between America and France, in the year 1778, by which, among other articles, it was agreed that neither of the two parties should conclude either truce or peace with Great Britain, without the formal consent of the other first obtained; and whereby they mutually engaged not to lay down their arms until the independence of the United States should be formally or tacitly assured by the treaty or treaties which should terminate the war. Whereas, in these confederacies, of which we are now speaking, the contrary is observable; they being established with this design, that the several States shall forever link their safety one with another, and, in order to their mutual defence, shall engage themselves not to exercise certain parts of their sovereign power, otherwise than by common agreement and approbation. Such were the stipulations, among others, contained in the articles of confederation and perpetual union between the American States, by which it was agreed that no State should, without the consent of the United States in Congress assembled, send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any King, Prince, or State; nor keep up any vessels of war, or body of forces, in time of peace; nor engage in any war, without the consent of the United States in Congress assembled, unless actually invaded; nor grant commissions to any ships of war, or letters of marque and reprisal, except after a declaration of war by the United States in Congress assembled; with several others: yet each State, respectively, retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not expressly delegated to the United States in Congress assembled. The promises made in these two cases here compared, run very differently; in the former, thus: 'I will join you in this particular war as a confederate, and the manner of our attacking the enemy shall be concerted by our common advice; nor will we desist from war, till the particular end thereof, the establishment of the independence of the United States, be obtained.' In the latter, thus: 'None of us who have entered into this alliance will make use of our right as to the affairs of war and peace, except by the general consent of the whole confederacy.' We observed before, that these unions submit only some certain parts of the sovereignty to mutual direction. For it seems hardly possible that the affairs of different States should have so close a connexion, as that all and each of them should look on it as their interest to have no part of the chief Government exercised without the general concurrence. The most convenient method, therefore, seems to be, that the particular States reserve to themselves all those branches of the supreme authority, the management of which can have little or no influence in the affairs of the rest."

Mr. CALHOUN proceeded:

If we compare our present system with the old confederation, which all acknowledge to have been federal in its character, we shall find that it possesses all the attributes which belong to that form of government, as fully and completely as that did. In fact, in this particular, there is but a single difference, and that not essential, as regards the point immediately under consideration, though very important in other respects. The confederation was the act of the State Governments, and formed a union of Governments. The present constitution is the act of the States themselves, or, which is the same thing, of the people of the several States, and forms a union of them as sovereign communities. The States, previous to the adoption of the constitution, were as separate and distinct political bodies as the Governments which represent them; and there is nothing in the nature of things to prevent them from uniting under a compact, in a Federal Union, without being blended in one mass, any more than uniting the Governments themselves, in like manner, without merging them in a single Government. To illustrate what I have stated, by reference to ordinary transactions: The confederation was a contract between agents; the present constitution between the principals themselves; or, to take a more analogous case, one is a league made by ambassadors; the other a league made by sovereigns; the latter no more tending to unite the parties into a single sovereignty than the former. The only difference is in the solemnity of the act, and the force of the obligation.

There indeed results a most important difference, under our theory of government, as to the nature and character of the act itself, whether executed by the States themselves, or by their Governments; but a result, as I have already stated, not at all affecting the question under consideration, but which will throw much light on a subject, in relation to which I must think the Senator from Massachusetts has formed very confused conceptions. The Senator dwelt much on the point, that the present system is a constitution and a Government, in contradistinction to the old confederation, with a view of proving that the constitution was not a compact. Now, I concede to the Senator, that our present system is a constitution and a Government; and that the former, the old confederation, was not a constitution or Government; not, however, for the reason which he assigned, that the former was a compact, and the latter not; but from the difference of the origin from which the two compacts are derived. According to our American conception, the people alone can form constitutions or Governments, and not their agents. It is this difference, and this alone, which makes the distinction. Had the old confederation been the act of the people of the several States, and not of their Governments, that instrument, imperfect as it is, would have been a constitution; and the agency which it created to execute its powers, a Government. This is the true cause of the difference between the two acts, and not that in which the Senator seems to be bewildered.

There is another point on which this difference throws important light, and which has been frequently referred to in debate on this and former occasions. I refer to the expression in the preamble of the constitution, which speaks of "forming a more perfect union;" and in the letter of General Washington, laying the draught of the convention before the old Congress, in which he speaks of "consolidating the Union;" both of which I conceive to refer simply to the fact, that the present Union, as already stated, is a union between the States themselves, and not a union like that which had existed between the Governments of the States.

We will now proceed to consider some of the conclusions which necessarily follow from the facts and positions already established. They enable us to decide a question of vital importance under our system. Where does sovereignty reside? If I have succeeded in establishing the fact that ours is a federal system, as I conceive I conclusively have, that fact of itself determines the question which I have proposed. It is of the very essence of such a system, that the sovereignty is in the parts, and not in the whole; or, to use the language of Mr. Palgrave, the parts are the units in such a system, and the whole the multiple; and not the whole the units, and the parts the fractions. Ours, then, is a Government of twenty-four sovereignties, united by a constitutional compact, for the purpose of exercising certain powers through a common Government, as their joint agent; and not a union of the twenty-four sovereignties into one, which, according to the language of the Virginia resolutions, already cited, would form a consolidation. And here I must express my surprise to the Senator from Virginia, that he should avow himself the advocate of these very resolutions, when he distinctly maintains the idea of a union of the States in one sovereignty, which is expressly condemned by those resolutions as the essence of a consolidated Government.

Another consequence, which was equally clear, is, that whatever modification was made in the condition of the States, under the present constitution, were modifications extending only to the exercise of their powers by compact, and not to the sovereignty itself, and are such as sovereigns are competent to make; it being a conceded point, that it is competent to them to stipulate to exercise their powers in a particular manner, or to abstain altogether from their exercise, or to delegate them to agents, without, in any degree, impairing sovereignty itself. The plain state of the facts, as regards our Government, is, that these States have agreed, by compact, to exercise their sovereign powers jointly, as already stated; and that, for this purpose, they have ratified the compact in their sovereign capacity; thereby making it the constitution of each State, in nowise distinguished from their own separate constitution, but in the superadded obligation of compact—of faith mutually pledged to each other. In this compact they have stipulated, amongst other things, that it may be amended by three-fourths of the States; that is, they have conceded to each other, by compact, the right to add new powers or to subtract old, by the consent of that proportion of the States, without requiring, as otherwise would be the case, the consent of all—a modification no more inconsistent, as has been supposed, with their sovereignty, than any other contained in the compact. In fact, the provision to which I allude furnishes strong evidence that the sovereignty is, as I contend, in the States severally; as the amendments are effected not by any one three-fourths, but by any three-fourths of the States, indicating that the sovereignty is in each of the States.

If these views be correct, it follows, as a matter of course, that the allegiance of the people is to their several States; and that treason consists in resistance to the joint authority of the States united, not, as has been absurdly contended, in resistance to the Government of the United States, which, by the provision of the constitution, has only the right of punishing.

These conclusions have all a most important bearing on that monstrous and despotic bill, which, to the disgrace of the Senate and the age, has passed this body. I have still a right thus to speak, without violating the rules of order, as it is not yet a law. These conclusions show that the States can violate no law; that they neither are, nor in the nature of things can be, under the dominion of the law; that the worst that can be imputed to them is a violation of compact, for which they, and not their citizens, are responsible; and that to undertake to punish a State, by law, or to hold the citizens responsible for the acts of the State, which they are on their allegiance bound to obey, and liable to be punished as traitors for disobeying, is a cruelty unheard of among civilized nations, and destructive of every principle upon which our Government is founded. It is, in short, a ruthless and complete revolution of our entire system.

I was desirous to present these views fully, before the passage of this long-to-be-lamented bill; but as I was prevented by the majority, as I have stated, at the commencement of my remarks, I trust that it is not yet too late.

Having now said what I intended in relation to my first resolution, both in reply to the Senator from Massachusetts, and in vindication of its correctness, I will now proceed to consider the conclusions drawn from it in the second resolution; that the General Government is not the exclusive and final judge of the extent of the powers delegated to it; but that the States, as parties to the compact, have a right to judge, in the last resort, of the infractions of the compact, and of the mode and measure of redress.

It can scarcely be necessary, before so enlightened a body, to premise, that our system comprehends two distinct Governments—the General and State Governments, which, properly considered, form but one: the former, representing the joint authority of the States in their confederate capacity; and the latter, that of each State, separately. I have premised this fact, simply with a view of presenting distinctly the answer to the argument offered by the Senator from Massachusetts, to prove that the General Government has a final and exclusive right to judge, not only of its delegated powers, but also of those reserved to the States. That gentleman relies, for his main argument, on the assertion, that a Government, which he defines to be an organized body, endowed with both will and power, and authority *in proprio vigore*, to execute its purpose, has a right inherently to judge of its powers. It is not my intention to comment upon the definition of the Senator, though it would not be difficult to show that his ideas of government are not very American. My object is to deal with the conclusion, and not the definition. Admit, then, that the Government has the right of judging of its powers, for which he contends; how, then, will he withhold, upon his own principle, the right of judging from the State Government, which he has attributed to the General Government? If it belongs to one, on his principle, it belongs to both; and if to both, if they differ, the veto, so abhorred by the Senator, is the necessary result; as neither, if the right be possessed by both, can control the other.

The Senator felt the force of this argument; and, in order to sustain his main position, he fell back on that clause of the constitution which provides that "this constitution, and the laws made in pursuance thereof, shall be the supreme law of the land."

This is admitted; no one has ever denied that the constitution, and the laws made in pursuance of it, are of paramount authority. But it is equally undeniable, that laws not made in pursuance, are not only not of paramount authority, but are of no authority whatever, being of themselves null and void; which presents the question who are to judge whether the laws be or be not pursuant to the constitution; and thus the difficulty, instead of being taken away, is removed but one step farther back. This the Senator also felt, and has attempted to overcome the difficulty, by setting up, on the part of Congress and the Judiciary, the final and exclusive right of judging, both for the Federal Government and the States, as to the extent of their powers. That I may do full justice to the gentleman, I will give his doctrine in his own words. He states:

"That there is a supreme law, composed of the constitution, the laws passed in pursuance of it, and the treaties; but in cases coming before Congress, not assuming the shape of cases in law and equity, so as to be subjects of judicial discussion, Congress must interpret the constitution so often as it has occasion to pass laws; and in cases capable of assuming a judicial shape, the Supreme Court must be the final interpreter."

Now, passing over this vague and loose phraseology, I would ask the Senator, upon what principle can he concede this extensive power to the Legislative and Judicial departments, and withhold it entirely from the Executive? If one has the right, it cannot be withheld from the other. I would also ask him, on what principle—if the departments of the General Government are to possess the right of judging finally and conclusively of their respective powers—on what principle can the same right be withheld from the State Governments, which, as well as the General Government, properly considered, are but departments of the same general system, and form, together, properly speaking, but one Government. This was a favorite idea of a man, for whose wisdom I have a respect, increasing with my experience, and whom I have frequently heard say, that most of the misconceptions and errors, in relation to our system, originated in forgetting that they were but parts of the same system. I would further tell the Senator, that if this right be withheld from the State Governments; if this restraining influence, by which the General Government is coerced to its proper sphere, be withdrawn; then that department of the Government from which he has withheld the right of judging of its own powers, (the Executive,) will, so far from being excluded, become the sole interpreter of the powers of the Government. It is the armed interpreter, with powers to execute its own construction, and without the aid of which the construction of the other departments will be impotent.

But I contend that the States have a far clearer right to the sole construction of their powers than any of the departments of the Federal Government can have; this power is expressly reserved, as I have stated on another occasion, not only against the several departments of the General Government, but against the United States themselves. I will not repeat the arguments which I then offered on this point, and which remain unanswered, but I must be permitted to offer strong additional proof of the views then taken; and which, if I am not mistaken, are conclusive on this point. It is drawn from the ratification of the constitution by Virginia, and is in the following words: [Mr. C. then read as follows:]

"We, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the General Assembly, and now met in convention, having fully and freely investigated and discussed the proceedings of the federal convention, and being prepared, as well as the most mature deliberation hath enabled us to decide thereon, do, in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the constitution, being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression; and that every power not granted thereby remains with them, and at their will; that, therefore, no right of any denomination can be cancelled, abridged, restrained, or modified by the Congress, by the Senate, or House of Representatives, acting in any capacity, by the President, or any department or officer of the United States, except in those instances in which power is given by the constitution for those purposes; and that, among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States. With these impressions; with a solemn appeal to the Searcher of all hearts for the purity of our intentions; and under the conviction that whatsoever imperfections may exist in the constitution ought rather to be examined in the mode prescribed therein, than to bring the Union in danger by a delay; with the hope of obtaining amendments previous to the ratification; we, the said delegates, in the name and in the behalf of the people of Virginia, do, by these presents, assent to and ratify the constitution, recommended on the 17th day of September, 1787, by the federal convention, for the Government of the United States; hereby announcing to all those whom it may concern, that the said constitution is binding upon the said people, according to an authentic copy hereto annexed, in the words following," &c.

It thus appears that that sagacious State (I fear, however, that her sagacity is not as sharp-sighted now as formerly) ratified the constitution, with an explanation as to her reserved powers; that they were powers subject to her own will; and reserved against every department of the General Government, Legislative, Executive, and Judicial; as if she had a prophetic knowledge of the attempts now made to impair and destroy them; which explanation can be considered in no other light than as containing a condition on which she ratified, and, in fact, making part of the constitution of the United States, extending as well to the other States as to herself. I am no lawyer, and it may appear to be presumption in me to lay down the rule of law which governs in such cases, in a controversy with so distinguished an advocate as the Senator from Massachusetts; but I will lay it down as a rule in such cases, which I have no fear that the gentleman will contradict, that in case of a contract between several partners, if the entrance of one on condition be admitted, the condition enures to the benefit of all the partners. But I do not rest the argument simply upon this view. Virginia proposed the tenth amended article, the one in question; and her ratification must be at least received as the highest evidence of its true meaning and interpretation.

If these views be correct, (and I do not see how they can be resisted,) the right of the States to judge of the extent of their reserved powers stands on the most solid foundation, and is good against every department of the General Government; and the Judiciary is as much excluded from an interference with the reserved powers as the Legislative or Executive departments. To prove the opposite, the Senator relies upon the authority of Mr.

Madison, in the Federalist, to prove that it was intended to invest the court with the power in question. In reply, I will meet Mr. Madison with his own opinion, given on a most solemn occasion, and backed by the sagacious commonwealth of Virginia. The opinion to which I allude will be found in the celebrated report of 1799, of which Mr. Madison was the author. It says:

"But it is objected, that the judicial authority is to be regarded as the sole expositor of the constitution in the last resort; and it may be asked, for what reason the declaration by the General Assembly, supposing it to be theoretically true, could be required at the present day, and in so solemn a manner?

"On this objection it might be observed: first, that there may be instances of usurped power, which the forms of the constitution would never draw within the control of the judicial department; secondly, that if the decision of the Judiciary be raised above the authority of the sovereign parties to the constitution, the decisions of the other departments, not carried by the forms of the constitution before the Judiciary, must be equally authoritative and final with decisions of the department. But the proper answer to this objection is, that the resolution of the General Assembly relates to those great and extraordinary cases, in which all the forms of the constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. The resolution supposes that dangerous powers, not delegated, may not only be usurped and executed by the other departments, but that the judicial department, also, may exercise or sanction dangerous powers beyond the grant of the constitution; and, consequently, that the ultimate right of the parties to the constitution to judge whether the compact was dangerously violated, must extend to violations by one delegated authority, as well as by another; by the Judiciary, as well as by the Executive, or the Legislature."

The Senator also relies upon the authority of Luther Martin to the same point, to which I have already replied so fully, on another occasion, in answer to the Senator from Delaware, [MR. CLAYTON,] that I do not deem it necessary to add any further remarks, on the present occasion.

But why should I waste words in reply to these or any other authorities, when it has been so clearly established, that the rights of the States are reserved against all and every department of the Government; that no authority in opposition can possibly shake a position so well established? Nor do I think it necessary to repeat the argument which I offered when the bill was under discussion, to show that the clause in the constitution which provides that the judicial power shall extend to all cases in law and equity arising under this constitution, and to the laws and treaties made under its authority, has no bearing on the point in controversy; and that even the boasted power of the Supreme Court to decide a law to be unconstitutional, so far from being derived from this or any other portion of the constitution, results from the necessity of the case, where two rules of equal authority come in conflict, and is a power belonging to all courts, superior and inferior, State and general, domestic and foreign.

I have now, I trust, shown satisfactorily that there is no provision in the constitution to authorize the General Government, through any of its departments, to control the action of the States, within the sphere of its reserved powers; and that, of course, according to the principle laid down by the Senator from Massachusetts himself, the Government of the States, as well as the General Government, have the right to determine the extent of their respective powers, without the right on the part of either to control the other. The necessary result is, the veto, to which he so much objects, and to get clear of which, he informs us, was the object for which the present constitution was formed. I know not whence he has derived his information, but my impression is very different, as to the immediate motives which led to the formation of that instrument. I have always understood that the principal object was, to give to Congress the power to regulate commerce, to lay impost duties, and to raise a revenue for the payment of the public debt and the expenses of the Government, and to subject the action of the citizens, individually, to the operation of the laws, as a substitute for force. If the object had been to get clear of the veto of the States, as the Senator states, the convention certainly performed their work in a most bungling manner. There was unquestionably a large party in that body, headed by men of distinguished talents and influence, who commenced early, and worked earnestly to the last, to deprive the States—not directly, for that would have been too bold an attempt, but indirectly—of the veto. The good sense of the convention, however, put down every effort, however disguised and perseveringly made. I do not deem it necessary to give, from the journals, the history of these various and unsuccessful attempts, though it would afford a very instructive lesson. It is sufficient to say, that it was attempted by proposing to give to Congress power to annul the acts of the States which they might deem inconsistent with the constitution; to give to the President the power of appointing the Governors of the States, with a view of vetoing State laws through his authority; and, finally, to give to the Judiciary the power to decide controversies between the States and the General Government. All of which failed, fortunately for the liberty of the country; utterly and entirely failed; and, in their failure, we have the strongest evidence that it was not the intention of the convention to deprive the States of the veto power. Had the attempt to deprive them of this power been directly made, and failed, every one would have seen and felt that it would furnish conclusive evidence in favor of its existence. Now, I would ask, what possible difference can it make, in what form this attempt was made—whether by attempting to confer on the General Government a power incompatible with the exercise of the veto on the part of the States, or by attempting directly to deprive them of the right of exercising it? We have thus direct and strong proof, that, in the opinion of the convention, the States, unless deprived of it, possess the veto power; or, what is another name for the same thing, the right of nullification. I know that there is a diversity of opinion among the friends of State rights, in regard to this power, which I regret; as I cannot but consider it a power essential to the protection of the minor interests of the community, and the liberty and the union of the country. It was the very shield of State rights; and the only power by which that system of injustice, against which we have contended for more than thirteen years, could be arrested; by which a system of hostile legislation, of plundering by law, which must necessarily lead to a conflict by arms, can be prevented.

But I rest the right of a State to judge of the extent of its reserved powers, in the last resort, on higher grounds; that the constitution is a compact, to which the States are parties, in their sovereign capacity; and that, as in all other cases of compact, between parties having no common umpire, each has a right to judge for itself. To the truth of this proposition, the Senator from Massachusetts has himself assented, if the constitution itself be a compact; and that it is, I have shown, I trust, beyond the possibility of doubt. Having established that point, I now claim, as I stated I would do in the course of the discussion, the admissions of the Senator, and, among them, the right of secession and nullification, which he conceded would necessarily follow, if the constitution be indeed a compact.

I have now replied to the arguments of the Senator from Massachusetts, so far as they directly apply to the resolutions, and will, in conclusion, notice some of his general and detached remarks. To prove that ours is a consolidated Government, and that there is an immediate connexion between the Government and the citizen, he relies on the fact, that the laws act directly on individuals. That such is the case, I will not deny; but I am very far from conceding the point, that it affords the decisive proof, or even any proof at all, of the position which the Senator wishes to maintain. I hold it to be perfectly within the competency of two or more States to subject their citizens, in certain cases, to the direct action of each other, without surrendering or impairing their sovereignty. I recollect, while I was a member of Mr. Monroe's cabinet, a proposition was submitted by the British Government, to permit a mutual right of search and seizure, on the part of each Government, of the citizens of the other, on board of vessels engaged in the slave trade, and to establish a joint tribunal for their trial and punishment. The proposition was declined, not because it would impair the sovereignty of either, but on the ground of the general expediency, and because it would be incompatible with the provisions of the constitution which establish the judicial power, which must be appointed by the President and Senate. If I am not mistaken, propositions of the same kind were made and acceded to by some of the continental Powers.

With the same view, the Senator cited the suability of the States, as evidence of their want of sovereignty; at which I must express my surprise, coming from the quarter it does. No one knows better than the Senator that it is perfectly within the competency of a sovereign State to permit itself to be sued. We have on the statute book a standing law, under which the United States may be sued in certain land cases. If the provision in the constitution on this point proves any thing, it proves, by the extreme jealousy with which the right of suing a State is permitted, the very reverse of that for which the Senator contends.

Among other objections to the views of the constitution, for which I contend, it is said they are novel. I hold this to be a great mistake. The novelty is not on my side, but on that of the Senator from Massachusetts. The doctrine of consolidation, which he maintains, is of recent growth. It is not the doctrine of Hamilton, Ames, or any of the distinguished federalists of that period, all of whom strenuously maintained the federative character of the constitution, though they were accused of supporting a system of policy which would necessarily lead to consolidation. The first disclosure of that doctrine was in the case of McCulloch, in which the Supreme Court held the doctrine, though wrapt up in language somewhat indistinct and ambiguous. The next and more open avowal was by the Senator of Massachusetts himself, about three years ago, in the debate on Foot's resolution. The first official annunciation of the doctrine was in the recent proclamation of the President, of which the bill that has recently passed this body is the bitter fruit.

It is further objected by the Senator from Massachusetts, and others, against this doctrine of State rights, as maintained in this debate, that if they should prevail, the peace of the country would be destroyed. But what if they should not prevail? Would there be peace? Yes, the peace of despotism; that peace which is enforced by the bayonet and the sword; the peace of death, where all the vital functions of liberty have ceased. It is this peace which the doctrine of State sovereignty may disturb by that conflict, which, in every free State, if properly organized, necessarily exists between liberty and power; but which, if restrained within proper limits, is a salutary exercise to our moral and intellectual faculties. In the case of Carolina, which has caused all this discussion, who does not see, if the effusion of blood be prevented, that the excitement, the agitation, and the inquiry which it has caused, will be followed by the most beneficial consequences? The country had sunk into avarice, intrigue, and electioneering, from which nothing but some such event could rouse it, or restore those honest and patriotic feelings, which had almost disappeared under their baneful influence. What Government has ever attained power and distinction without such conflicts? Look at the degraded state of all those nations, where they have been put down by the iron arm of the Government.

I, for my part, have no fear of any dangerous conflict, under the fullest acknowledgment of State sovereignty; the very fact that the States may interpose, will produce moderation and justice. The General Government will abstain from the exercise of any power in which they may suppose three-fourths of the States will not sustain them; while, on the other hand, the States will not interpose but on conviction that they will be supported by one-fourth of their co-States. Moderation and justice will produce confidence, attachment, and patriotism; and these, in turn, will offer most powerful barriers against the excess of conflicts between the States and the head of the confederacy.

But we are told that, should the doctrine prevail, the present system would be as bad, if not worse, than the old confederation. I regard the assertion only as evidence of that extravagance of declamation, in which, from excitement of feeling, we so often indulge. Admit the power, and still the present system would be as far removed from the weakness of the old confederation as it would be from the lawless and despotic violence of consolidation. So far from being the same, the difference between the confederation and the present constitution would still be most strongly marked. If there were no other distinction, the fact that the former required the concurrence of the States to execute its acts, and the latter the act of a State to arrest its acts, would make a distinction as broad as the ocean; in the former, the *vis inertiæ* of our nature was in opposition to the action of the system. Not to act, was to defeat. In the latter, the same principle is on the opposite side; action is required to defeat. He who understands human nature, will see, in this difference, the difference between a feeble and ill-contrived confederation, and the restrained energy of a federal system.

Of the same character is the objection that the doctrine will be the source of weakness. If we look to mere organization and physical power as the only source of strength, without taking into the estimate the operation of moral causes, such would appear to be the fact; but if we take into the estimate the latter, you will find that those Governments have the greatest strength in which power has been most efficiently checked. The Government of Rome furnishes a memorable example. There two independent and distinct powers existed—the people acting by tribes, in which the plebeians prevailed; and by centuries, in which the patricians ruled. The tribunes were the appropriate representatives of the one power, and the Senate of the other; each possessed of the authority of checking and overruling one another, not as departments of the Government, as supposed by the Senator from Massachusetts, but as independent powers; as much so as the State and General Governments. A shallow observer would perceive in such an organization nothing but the perpetual source of anarchy, discord, and weakness; and yet experience has proved that it was the most powerful Government that ever existed; and reason teaches that this power was derived from the very circumstance which hasty reflection would consider the cause of weakness. I will venture an assertion which may be considered extravagant, but in which history will fully bear me out, that we have no knowledge of any people in which a power of arresting the improper acts of the Government, or what may be called the negative power of Government, was too strong, except Poland, where every freeman possessed a veto; but even there, although it existed in so extravagant a form, it was the source of the highest and most lofty attachment to liberty, and the most heroic courage; qualities that more than once saved Europe from the domination of the crescent and scymetar. It is worthy of remark, that the fate of Poland is not to be attributed so much to the excess of this negative power of itself, as to the facility which it afforded to foreign influence in controlling its political improvements.

I am not surprised that, with the idea of a perfect Government which the Senator from Massachusetts has formed--a Government of an absolute majority, unchecked, and unrestrained, operating through a representative body—that he should be so much shocked with what he is pleased to call the absurdity of State veto. But let me tell him, that his scheme of a perfect Government, beautiful as he conceives it to be, though often tried, has invariably failed, and has always run, whenever tried, through the same uniform process of faction, corruption, anarchy, and despotism. He considers the representative principle as the great modern improvement in legislation, and of itself sufficient to secure liberty. I cannot regard it in the light in which he does. Instead of modern, it is of remote origin, and has existed, in greater or less perfection, in every free State, from the remotest antiquity. Nor do I consider it as of itself sufficient to secure liberty, though I regard it as one of the indispensable means--the means of securing the people against the tyranny and oppression of their rulers. To secure liberty, another means is still necessary--the means of securing the different portions of society against the injustice and oppression of each other, which can only be effected by veto, interposition, or nullification, or by whatever name the restraining or negative power of Government may be called.

The Senator appears to be enamored with his conception of a consolidated Government, and avows himself to be prepared, seeking no lead, to rush in its defence to the front rank, where the blows fall heaviest and thickest. I admire his gallantry and courage; but I will tell him that he will find in the opposite ranks, under the flag of liberty, spirits as gallant as his own; and that experience will teach him, that it is infinitely easier to carry on the war of legislative exaction by bills and enactments, than to extort by sword and bayonet from the brave and the free.

The bill which has passed this body is intended to decide this great controversy between that view of our Government entertained by the Senator and those who act with him, and that supported on our side. It has merged the tariff, and all other questions connected with it, in the higher and direct issue, which it presents between the federal system of Government and consolidation. I consider the bill as far worse and more dangerous to liberty than the tariff. It has been most wantonly passed, when its avowed object no longer justified it. I consider it as chains forged and fitted to the limbs of the States, and hung up to be used when occasion may require. We are told, in order to justify the passage of this fatal measure, that it was necessary to present the olive branch with one hand, and the sword with the other. We scorn the alternative. You have no right to present the sword; the constitution never put the instrument in your hands to be employed against a State; and as to the olive branch, whether we receive it or not, will not depend on your menace, but on our own estimate of what is due to ourselves and the rest of the community, in reference to the difficult subject on which we have taken issue.

The Senator from Massachusetts has struggled hard to sustain his cause; but the load was too heavy for him to bear. I am not surprised at the ardor and zeal with which he has entered into the controversy. It is a great struggle between power and liberty—power on the side of the North, and liberty on the side of the South. But while I am not surprised at the part which the Senator from Massachusetts has taken, I must express my amazement at the principles advanced by the Senator from Georgia nearest me, [Mr. FORSYTH.] I had supposed it was impossible, that one of his experience and sagacity should not perceive the new and dangerous direction which this controversy is about to take. For the first time, we have heard an ominous reference to a provision in the constitution, which I have never known to be before alluded to in discussion, or in connexion with any of our measures. I refer to that provision in the constitution, in which the General Government guaranties a republican form of government to the States—a power which, hereafter, if not rigidly restricted to the objects intended by the constitution, is destined to be a pretext to interfere with our political affairs, and the domestic institutions, in a manner infinitely more dangerous than any other power which has ever been exercised on the part of the General Government. I had supposed that every Southern Senator, at least, would have been awake to the danger which menaces us from this new quarter; and that no sentiment would be uttered, on their part, calculated to countenance the exercise of this dangerous power. With these impressions, I heard the Senator with amazement alluding to Carolina, as furnishing a case which called for the enforcement of this guaranty. Does he not see the hazard of the indefinite extension of this dangerous power? There exists in every Southern State a domestic institution, which would require a far less bold construction to consider the Government of every State in that quarter not to be republican; and, of course, to demand, on the part of this Government, a suppression of the institution to which I allude, in fulfilment of the guaranty. I believe there is now no hostile feelings combined with political considerations, in any section, connected with this delicate subject. But it requires no stretch of the imagination to see the danger which must one day come, if not vigilantly watched. With the rapid strides with which this Government is advancing to power, a time will come, and that not far distant, when petitions will be received, from the quarter to which I allude, for protection; when the faith of the guaranty will be at least as applicable to that case as the Senator from Georgia now thinks it is to Carolina. Unless this doctrine be opposed by united and firm resistance, its ultimate effect will be to drive the white population from the Southern Atlantic States.

As soon as Mr. C. had concluded,

Mr. WEBSTER rose in reply. He said that, having already occupied so much of the time of the Senate on the general subject, he should not do more than to make a very few observations, in reply to what the honorable member from Carolina had now advanced. The gentleman, said Mr. W., does me injustice, in suggesting the possibility that any remarks of mine could have been made for the purpose of obtaining favor, in any quarter, by an appearance of hostility to him.

[Mr. CALHOUN rose, and said, he had only suggested it as a matter of possibility.]

I hope it is not even possible, continued Mr. W., that my support or opposition of important measures should be influenced by considerations of that kind. Between the honorable member and myself, personal relations have always been friendly. We came into Congress, now near twenty years ago, both ardent young men; and however widely we may have differed at any time on political subjects, our private intercourse has been one of amity and kindness.

[Mr. CALHOUN rose and said, these remarks were just such as he himself had intended to make.]

The honorable member considers my remarks on his use of the phrase "constitutional compact" as not well founded, and says he has my own authority against myself. He quotes from my speech in 1830. But I did not, on that or any occasion, call the constitution a constitutional compact. In the passage to which he refers, I was speaking of one part of the agreement, on which the constitution was founded, viz: the agreement that the slave-holding States should possess more than an equal proportion of Representatives. That, I observed, was matter of compact, sanctioned by the constitution; it was an agreement, which, being adopted in the constitution, may be well enough called a constitutional compact; but that is not equivalent to saying that the constitution of the United States is nothing but a constitutional compact between sovereign States. The gentleman must certainly remember that my main object, on that occasion, was to establish the proposition, stated in the same speech, that the constitution was *not a compact between States*, but a constitution, established by the people, with a Government founded on popular election, and directly responsible to the people themselves.

The honorable gentleman attempts also to find an authority for his use of the word *accede*. He says the same word was used by General Washington, in speaking of the adoption of the constitution by North Carolina. It was so; and it is used by the biographer of Washington, also, in reference to the same occurrence; and although both, probably, adopted the phrase from the popular language of the day, yet the language in that case was not, perhaps, improper. By the adoption of the constitution by nine States, the old confederacy was effectually dissolved. North Carolina not having adopted it until after the Government went into operation, was out of the union. She had, at that moment, no distinct connexion with other States. The old Union was broken up, and she had not come into the new. There was propriety, therefore, perhaps, in calling her adoption of the constitution an accession. Yet, when she afterwards adopted the constitution, she used the same terms of ratification as the other States. *Accede* is unknown to all those ratifications, and to the constitution itself. But the honorable gentleman insists that he can change the phraseology of his resolutions, so as to avoid my objections, and yet maintain their substantial sense and import.

He says his first resolution may stand thus:

"*Resolved*, That the people of the several States composing these United States are united as parties to a compact, under the title of the constitution of the United States, which the people of each State ratified as a separate and sovereign community, each binding itself by its own particular ratification; and that the union, of which the said compact is the bond, is a union *between* the States ratifying the same."

This is a change, it is true, but it is a mere verbal change. It rejects certain words, but adopts their exact synonymes. In his resolution, he calls the constitution a "constitutional compact;" in the amended form which he now suggests, he calls it a "compact, under the title of a constitution."

These are just the same thing. Both call it a compact, and a compact between sovereign communities; and in both the attempt is to make the constitution not one substantive thing, but merely the qualification of something else. Now, sir, the constitution does not call itself a compact of any kind; the people did not call it such, when they ratified it. No State said, "We, as a sovereign community, accede to a constitutional compact;" or, "We, as a sovereign community, ratify a compact under the title of a constitution." No State said one word about *compact*—no State said one word about acting *as a sovereign community*. On the contrary, in each and in every State the language is, that the conventions, in the name and by the authority of the people, *ratify this constitution, or frame of government*. Neither the resolution, therefore, of the honorable member, nor this amended form of it, follows the official and authentic language applied to the transaction to which it refers. I again say, if he will follow that language, if he will state accurately what was done, and then state his proposed inference, that inference will be out of all sight from his premises. Let him say nothing of *compact*, because the people said nothing of it; let him not assert that the people of the States acted as *sovereign communities*, because they have not said so. Let him describe what the people did, *in their own language*. It will then stand, that *the people ratified this constitution, or frame of government*. Now, sir, the mere substitution of this just and true phraseology strikes away the whole foundation of the gentleman's argument. He cannot stand a moment, except on the ground of a *compact between sovereign communities*. Compact, therefore, and such a compact, must keep its place in his first resolution, or else his chain of reasoning breaks in the first link. He is, therefore, driven to the necessity of assuming what cannot be proved, and of giving a history of the formation of this constitution essentially different from its true history. He is compelled to reject the language of the constitution itself, and to reject also the language used by the people of every one of the States, when they adopted it; and to lay the cornerstone of his whole argument on mere assumption.

The honorable gentleman does not understand how the constitution can have a compact, or consent, for its basis, and yet not be a compact between sovereign States. It appears to me, the distinction is broad and plain enough. The people may agree to form a Government; this is assent, consent, or compact; this is the social compact of the European writers. When the Government is formed, it rests on this assent of the governed; that is, it rests on the assent of the people. The whole error of the gentleman's argument arises from the notion, that the people, of their own authority, can make but one Government; or that the people of all the States have not united, and cannot unite, in establishing a constitution, connecting them together, directly, as individuals, united under one Government. He seems unwilling to admit, that while the people of a single State may unite together, and form a Government for some purposes, the people of all the States may also unite together, and form another Government, for other purposes. But what he will not thus admit, appears to me to be the simple truth, the plain matter of fact, in regard to our political institutions.

The honorable gentleman thinks, sir, that I overlooked a very important part of the constitution, favorable to his side of the question. He says it is declared, in the seventh article, that the ratification of the convention of nine States shall be sufficient for the establishment of the constitution *between the States ratifying the same*. If I have overlooked this provision, sir, it is because it appears to me not to have that bearing on the question which the honorable member supposes. The honorable member has said, in one of his publications, that the word "States," as used in the constitution, sometimes means the States, in their corporate capacities, or Governments; sometimes it means their territory, merely; and sometimes it means *the people of the States*. This is very true; and it is perfectly clear, that in the clause quoted, the word means *the people of the States*. The same clause speaks of the *conventions of the States;* that evidently means conventions *of the people* of the States; else the whole provision would be absurd. All that this part of the constitution intended was simply to declare, that so soon as the people of nine States should adopt and ratify it, it should, as to these States, go into operation.

The gentleman has concluded, sir, by declaring, again, that the contest is between power on one side, and liberty on the other—and that he is for liberty. All this is easily said. But what is that liberty whose cause he espouses? It is liberty, given to a part, to govern the whole. It is liberty, claimed by a small minority, to govern and control the great majority. And what is the power which he resists? It is the general power of the popular will; it is the power of all the people, exercised by majorities, in the Houses of the Legislature, in the form in which all free Governments exercise power.

Mr. President, turn this question over, and present it as we will—argue upon it as we may—exhaust upon it all the fountains of metaphysics—stretch over it all the meshes of logical or political subtlety—it still comes to this: Shall we have a General Government? shall we continue the union of the States under a *Government* instead of a *league?* This is the upshot of the whole matter; because, if we are to have a Government, that Government must act like other Governments, by majorities; it must have this power, like other Governments, of enforcing its own laws, and its own decisions; clothed with authority by the people, and always responsible to the people; it must be able to hold on its course, unchecked by external interposition. According to the gentleman's view of the matter, the constitution is a league; according to mine, it is a regular popular Government. This vital and all-important question the people will decide, and, in deciding it, they will determine whether by ratifying the present CONSTITUTION AND FRAME OF GOVERNMENT they meant to do nothing more than to amend the articles of the old confederation.

Mr. SPRAGUE said, that the transcendent importance of the topics of this debate had not been exaggerated by the Senator from South Carolina. The consequences, said Mr. S., already resulting, and those still more disastrous, which are threatened from the doctrines which he maintains, demonstrate that they should be regarded with intense interest. The President has declared that the laws must be enforced, and has called upon the National Legislature for the powers necessary to the performance of his high constitutional duties as the Chief Executive of the United States. The people of South Carolina have solemnly declared that the revenue laws shall not be executed within their limits. They have raised their banner, and inscribed upon it in capitals—"No more taxes shall be paid here." They have denounced our legislation as oppressive, and proclaimed that "they will throw it off at every hazard;" and they have announced, in the most authoritative manner, by a fundamental ordinance, that our laws are null and void, and that the passage by Congress of any act to authorize the use of force against the citizens of that State dissolves her connexion with her sister States. The bill which has passed the Senate may be considered as of that character; and if so regarded, and the ordinance shall be executed, South Carolina will deem herself out of the Union, and hold the citizens of the United States as she does the rest of the world, "enemies in war, in peace friends." We have, indeed, the hope that the operation of their ordinance, of their extraordinary replevin act, and their new military law, made to concentrate the whole martial energies of the State, may be arrested and postponed by the efforts of leading individuals. But a whole people have become deeply excited—not from their own feeling of oppression, but by the persuasions of others that they were the devoted victims of injustice. The address of the convention itself acknowledges that "the difficulty has been great to bring the people to the resisting point." The manner in which that was accomplished has been described by the Senator from South Carolina, [Mr. CALHOUN.] Tracts, pamphlets, newspapers, speeches, and addresses, were scattered, disseminated, and reiterated over the whole surface, to the remotest recesses of the State, till the people "received the doctrine." They have been aroused, excited, exasperated, wrought almost to desperation, and have hurled defiance at their supposed oppressors. The necromancers who have conjured up this evil spirit may not be able to bid it down. Those who have raised the storm may not have the power to allay it. The hand which has kindled the conflagration may in vain attempt its extinguishment. When the fountains of the deep are broken up, and ocean waves are heaving, who shall say that thus far shalt thou go and no farther? They have raised the wind, and may have to reap the whirlwind; they have "scattered firebrands, arrows, and death;" they may not now say "am I not in sport?"

We hope for the best. But no prescience can foresee the ultimate effects of our measures, and in their adoption we occupy a position of oppressive responsibility. It behooves us to consider well, to deliberate profoundly upon the fundamental principles of our action. For, if we are wrong in this question of constitutional power—if we have no legitimate authority or moral right to pass the bill, then it may well deserve the denunciations which the fervid eloquence and burning zeal of its opponents have poured forth. But, if they are wrong, if it be a rightful authority which they resist, and if their decrees shall be carried out in action, they must be content to have their conduct branded by its true appellations—lawless violence, rebellion, treason.

What, then, is the question at issue? What are the doctrines arrayed in opposition to that bill? It is insisted that no allegiance is due to the United States; that the highest and paramount obligation of every citizen is to his own State; that when she speaks, every man within her limits is bound to obedience, even if the command be resistance to the authority of the General Government; that this obligation is absolute, unqualified, and unconditional, leaving no right of inquiry into the correctness of the command, and no question to be made whether the laws of the General Government are constitutional or not. The Senator from South Carolina [Mr. CALHOUN] declared, that, if it were conceded that the tariff laws were all perfectly constitutional, and that the national Judiciary had the unquestioned jurisdiction and ultimate right of decision, still that the bill could not be justified, because it authorized force against individuals, who were constrained by higher and superior obligations to bow in blind and absolute submission to the paramount power--the State sovereignty. He stigmatizes it as worse than a barbarian outrage; that it is not, as some have declared, war upon a State; but a savage attack upon the citizens, passing by and disregarding the community, the sovereign, who rightfully controls their action.

The Senator from North Carolina [Mr. MANGUM] insisted that he is bound to obey the sovereign voice of his State, whether she be "right or wrong." And the Senator from South Carolina [Mr. CALHOUN] enforced the same sentiments. They both contend that the State throws its shield of legislation over its citizens; no external power, not even the United States, can have any right to penetrate that ægis, to touch any individual within its territory; that when a State law shall annul, conflict, or be inconsistent with the laws, treaties, or constitution of the United States, the latter are to be disregarded, and the former unconditionally obeyed.

Now, sir, the constitution of the United States has expressly declared that in such cases the State laws shall yield. It was foreseen by the convention which framed the constitution that such conflict and incompatibility would necessarily arise. The greatest difficulty which they had to encounter was from the pride and tenacity of State independence. The inherent and fatal vice of the old confederation was, that the Continental Congress had no power over individuals, but only addressed itself to States in their aggregate character as independent communities; and when the new constitution adopted the appropriate remedy, by creating a Government to make laws, a Judiciary to expound them, and an Executive to enforce them directly upon every person within the boundaries of the United States, it was at once foreseen that as the several States had also the power of legislation over the same persons, within their respective limits, the laws of these two Governments would be very likely sometimes to come in conflict. They, therefore, wisely made provision for such an event, and gave the supremacy to the laws of the Union. The sixth article declares that "this constitution," and all "laws made in pursuance thereof," and "treaties"—shall be the supreme law of the land, * * * "any thing in the constitution or laws of any State to the contrary notwithstanding." And yet gentleman now assert, and vehemently and strenuously insist, that the laws of the State are to be the supreme laws, any thing in the constitution or laws of the United States to the contrary notwithstanding! How is such a conclusion attained? By what process do they escape from the express language and palpable meaning of the organic law? I have curiously and anxiously read and listened to their reasonings upon this subject, and find that they undertake to control and subdue the constitution by certain abstract notions of original unchangeable sovereignty. When scrutinized and analyzed, it will be found that the fundamental position which they assume is that the people could not, had not the power, to make such a constitution as this purports on its face to be, and that its plain meaning is to be restrained and overruled by an assumed political dogma. Their course of argument is this: The constitution was adopted by the people of the several States acting as distinct communities, which, before its adoption, were independent sovereignties. This, sir, I have no disposition to controvert; but their next proposition is, that sovereignty is in its nature indivisible and inalienable; and therefore could not be transferred by the States, and, of necessity, is retained by them unimpaired; that not a particle belongs to the United States; and as the sovereign power is always supreme, the State is paramount to the United States. Their fundamental postulate is, that sovereignty is inalienable; and from this all their consequences are deduced.

The address of the convention which passed the ordinance places their doctrines upon this foundation. Referring to the constitution, it says, "A foreign or an inattentive reader" * * * "would be very apt, from " the phraseology of the instrument, to regard the States " as having divested themselves of their sovereignty, and " to have become great corporations, subordinate to one " supreme Government. But this is an error; the States " are as sovereign now as they were prior to their enter- " ing into the compact." Correctly speaking, sovereignty is a unit. It is one indivisible and inalienable. It is, therefore, an absurdity to imagine that the sovereignty of the States is surrendered in part and retained in part. The federal constitution is a treaty, a confederation, an alliance. And again: the great expositor of this doctrine [Mr. CALHOUN] has told us that the sovereignty is still "in the people of the several States," "unimpair- " ed; not a particle resides in this Government; not one " particle in the American people collectively." After admitting that the States have delegated certain powers to the General Government, he proceeds: "But to dele- " gate is not to part with or impair power. The dele- " gated power in the agent is as much the power of the " principal as if it remained in the latter; and may, as be- " tween him and his agent, be controlled or resumed at pleasure." It cannot be denied that the constitution purports to impair the sovereignty of the States, and to establish a new Government over their citizens. But it is insisted that the language of the constitution is not to decide its character—[Mr. POINDEXTER;] and that although from its phraseology one would be very apt to regard the States as having divested themselves of their sovereignty, yet such a thing is impossible, in the nature of things, and therefore has not been done. The people have attempted it, indeed; but being in itself impracticable, of course, it has not been accomplished. Sovereignty is inalienable! This single abstraction, this figment of the imagination, this naked political dogma, restrains the whole people, disables them from accomplishing their purpose, limits and controls the constitution, annulling some of its provisions, and reversing others. The whole fabric of nullification, curiously and ingeniously wrought, computed by intellectual strength, enriched by the treasures of learning, and gilded by the splendors of genius, rests, like an inverted cone, upon this little dogma—a metaphysical chimera, an airy nothing!

Sovereignty is inalienable; and, if delegated, resumable at pleasure, and without revolution. Who were the original sovereigns? Individuals. Each came from the hands of his Maker, sovereign and independent, owing no allegiance, and subject to no earthly power. May every man, at pleasure, resume his original, indivisible, inalienable sovereignty? The first step in the progress of society was the formation of families; next, patriarchal tribes; and then, their amalgamation into States or nations. And may those be resolved at pleasure into their original elements, by the rightful resumption of primitive inalienable independence?

The whole history of the human race falsifies the assumption, that sovereignty is inalienable. Every page records its transfer, by free consent, by purchase, by rebellion, revolution, and conquest. Take Great Britain for example. May the three nations—nay, may the ancient heptarchy, which have been swallowed up in that kingdom, now resume their former separate independence, and that, too, without revolution? But not to recur to the fruitful records of former ages; look at modern Europe, and its transmutations in our own age, and then say that sovereignty is not transferable. In a single place, this political, metaphysical impossibility has been actually overcome no less than five times within thirty years. Coblentz was attached to the dominions of the Elector of Cologne, afterwards united to the French republic, and then to the French empire; and successively to the Grand Dutchy of Berg, under Murat; to the Grand Dutchy of Baden; to the kingdom of Westphalia, and, after the prostration of Bonaparte, to Prussia. Turn to our own country. I ask these gentlemen, has Kentucky any sovereignty? How did she acquire it? She was once subjected to Virginia. There was but one sovereignty; and as that was indivisible and inalienable, how can Kentucky have one particle? I ask again, with still deeper interest, has Maine any sovereignty, having once been a portion of Massachusetts? But I request the particular attention of gentlemen to the condition of Louisiana. Is not that State equally sovereign with South Carolina, Virginia, or any other? Was it always so? Was it not transferred by Spain to France, and from France to the United States? Was not sovereign dominion held over it by all those Powers successively? Before its erection into a State, was it not our territory, our purchased property, subjected to our control, governed by our will, without ever having had, for a moment, the shadow or pretence of independent sovereignty? Was it not made a State by our act? And if, as gentlemen contend, the United States have not one particle of sovereignty, whence, and in what manner, has Louisiana acquired her sovereignty? Could the United States impart it, having none themselves; and not only impart, but render it transcendently paramount to the express provisions of the constitution controlling or annulling them? Do the United States hold delegated powers from Louisiana, which she may resume at pleasure—resume what she never possessed? Should she take to herself the powers only which she enjoyed prior to her supposed delegation of them by the constitution, she must restore herself to her anterior condition of territorial submission—and this by way of vindicating her sovereignty! How is it now with the Territory of Florida? and what sovereignty will the United States confer when we shall have admitted her into the Union?

The constitution provides for the admission of new States formed by the junction of two or more States, or parts thereof; but, as sovereignty is now found to be inalienable, this provision is thereby rendered utterly nugatory.

The doctrines against which I am contending are as novel as they are extraordinary. They find no place in the history of the formation, adoption, or cotemporaneous expositions of the constitution; they were then *terra incognita*, and have been but recently discovered through the modern telescope of political metaphysics.

In the establishment of our present constitution, the great, prominent, and popular objection of its opponents was its supremacy and paramount authority over the States, its subtractions from State sovereignty. Its friends found it necessary to encounter this most formidable objection, by their utmost strength of fact and argument. All ability was exerted to overcome it; their utmost ingenuity to decide it. And yet not one of its framers in the general convention, of its supporters in the State conventions, or of its numerous expounders, commentators, and advocates before the people, ever suggested the rights and doctrines of nullification; which, if they had had any existence, would at once have silenced the most formidable battery, and satisfied the most extravagant jealousy of State independence. So far from denying the fact of the paramount authority of the United States, they manfully and successfully defended it. The general convention itself, upon the consummation of their work, in communicating it to the States, through the Continental Congress, admit and answer it, declaring that "it is obviously impracticable in the Federal Government of the States to secure all the rights of independent sovereignty to each, and yet provide for the interest and safety of all."

This new school in politics teaches that the several States have, by the constitution, only delegated certain powers, which each may resume at pleasure. The United States have the power to declare war; but each State has the reserved right to annul it, and be herself at peace! The United States may make treaties; but each State may, *ad libitum*, revoke this authority, and terminate the compact! Express prohibitions are imposed upon the States; they may not declare war, make treaties, coin money, emit bills of credit, pass *ex post facto* laws, or those impairing contracts; and yet every State has reserved the right, at any moment, to cast off all these prohibitions! She is fettered, indeed, but just so long only as it may be her sovereign will and pleasure! And actually to throw off all these restraints, to resume all these powers, is not revolution—it is legal, peaceable, constitutional remedy! It is pursuant to the constitution, within its scope; and the State is still a member of the Union! ! The United States, the constitution, and the Government, it is said, are but agents; a mere aggregation of delegated powers; yet the agency may be revoked, the delegation terminated, and the constitution and Government remain! It will be no revolution! Can any thing be more preposterous?

Sir, we all admit the original inalienable right of man, individually and collectively, to resent oppression, to overturn and destroy Government, when, by perversions and corruptions, it has become subversive of the ends for which it was instituted. But this is the primary right of force—of revolution—of rebellion, by which Government is overthrown and subverted. It is not pursuant to the law of the land; it is above and beyond it; it is in defiance of oppressive legislation. Can the destruction of the Government be legal? Can the annihilation of the constitution be constitutional? The distinguished member from South Carolina [Mr. Calhoun] has referred to the danger to which their slave property might be exposed if his doctrines be not established. Will he permit me to warn him of the greater danger of superseding the securities of the constitution? Let him beware how he appeals from the plain stipulations of that instrument to the original and inalienable rights of man. Let him not lead the way in a course of reasoning which points directly to the inquiry, by what means one half of the human beings upon the soil of South Carolina are held in absolute dominion as property by the other—how their natural and sovereign rights have been cloven down, and transferred to their masters. Be not wise beyond what is written. Abide by the constitution; that is your best and highest security. From that solemn compact we will not depart. We have no inclination to disturb it, nor to refine away its guaranties; they are the work of our fathers, and let them be forever sacred.

We have witnessed much controversy as to the origin of the constitution. In my judgment, it is the work of the people of the several States acting as separate communities. It was draughted by a convention, and proposed to the States; but, until their adoption, it was a mere proposition, an unexecuted instrument, having no efficiency. The ratification by the people of the several States imparts all its validity. They, having all power, could make it any thing that they pleased. The people of Virginia and Maryland, for example, might agree to commingle in one mass; to amalgamate; to become, as by fusion, one people—abrogating entirely their State institutions, and forming a new single Government over a single community; or they might make a league, a mere confederation; or form a union any where between these two extremes, participating of both, embracing such extent or degrees of each as to them might seem fit. And the same remark may be extended to the other States. Having this power, the only question is, how did they exercise it—what union did they form? The answer is to be found in the instrument itself—the constitution. It has been much contested whether it is federative or popular. It is neither. It is both. In its origin, and in the sources of the organization of the Government, it is federative; in the action of the Government, upon all those subject to its powers, it is popular. The laws are made for, and reach and operate directly upon individuals, passing by the local Governments, and penetrating beyond them, and scarcely recognising the existence of the States as communities. The Judiciary is co-extensive with the legislative power. Such being my view of the fundamental law of this nation, I cannot recognise any right in a State to arrest and repeal the legislation of Congress. I dare not withhold my support from a measure which seems essential to the maintenance of the Government and the constitution. If the Legislature of the nation should refuse to uphold and vindicate them at such a crisis, they must fall, and their authority be prostrated, I fear, forever. I could not forget the past, nor shut my eyes to the fact that the present alarming extent and threatening form of resistance and defiance have been consequent upon the tolerated practical nullification of the State of Georgia. The gentleman from South Carolina nearest to me [Mr. Miller] has assured us that such is the fact. Attempts have been vainly made to find a distinction between the two. In principle, they are identical. I regret that the gentleman from Georgia, [Mr. Forsyth,] in his endeavor to render his defence of the one consistent with his condemnation of the other, has deemed it necessary to assail the Supreme Court of the

United States—to pronounce the reasoning and argument of one of its most important decisions to be unworthy the lowest county court in any of the States! I can assure the gentleman that the country regards it far otherwise, and that the most vigorous and gifted minds deem it one of the most powerful productions of the wonderful intellect of the revered chief of that august tribunal. If, in the inscrutable ways of Providence, our institutions are destined to be subverted, and left in ruins by the convulsions of revolution, that decision, and other kindred constitutional opinions from the same mind, will remain to after generations, splendid and enduring monuments of intellectual and moral greatness, and, like the broken columns and classic remains of Athens and Palmyra, be the wonder and admiration of successive ages. The time has arrived when the progress of nullification must be arrested, or the hopes of permanent union surrendered. The gentleman [MR. CALHOUN] assures us that his theory would make this Government a beautiful system! Beautiful as would be the proud and polished pillars which surround us, if resolved into their original rude and paltry pebbles; beautiful as the dashed mirror, from whose fragments are reflected twenty-four pigmy portraits, instead of one gigantic and noble original!

The triumph of that doctrine dissolves the Union. It must be so regarded by foreign nations; it is almost so even now. Already have the exultations of the oppressor, and the laments of the philanthropist, been heard beyond the Atlantic. They have looked with fear and hope, with wonder and delight, upon the brilliant and beautiful constellation in our western hemisphere, moving in majestic harmony, irradiating the earth with its mild and benignant beams. Shall these stars now be severed and scattered, and, rushing from their orbits through the troubled air, singly and feebly sink into clouds of murky blackness, leaving the world in rayless night? Shall the flag of our common country, the ensign of our nation, which has waved in honor upon every sea—the guardian of our common rights—the herald of our common glory—be severed and torn into twenty-four fragments; and our ships hereafter display for their protection but a tattered rag of one its stripes?

The gentleman [MR. CALHOUN] declares, emphatically, that this is a question of liberty or despotism. I believe it—in my conscience I believe it. If this Union be dissolved, despotism is the ultimate result. It requires no prophetic vision to see how it will be accomplished. Draw the line where you will, wars, frequent inevitable wars, will ensue. Border nations have been considered natural enemies. History is little more than a record of their contentions. Human nature is not changed on this side the ocean. Indeed, there is hardly a nation, in any age or continent, which has given more unequivocal proof of devotion to military achievement, and a spirit of martial adventure, than the people of these United States.

Their having been once friends, so far from preventing or restraining, would but aggravate their mutual animosity. The sweetest substances became the most acrid by perversion. Fraternal feelings, corrupted or perverted, give new bitterness and intensity to hatred and revenge. We have already had two wars with Great Britain, who once held toward us a parental relation; and who can doubt that they would have been more frequent had we been separated only by an imaginary line? The different sections of the country arrayed in arms each against the other would know no bounds to their mutual exasperation. We should be told, in relation to the slave population, what the British Parliament were with respect to the Indian savages—that they were arms which God and nature have put into our hands. It would, indeed, be a sacrilegious abuse of that hallowed name—but the argument would prevail; a servile war would be kindled. Relentless and fiendlike passions would be let loose to rage with unbridled license; and violence and havoc, conflagration and devastation, would ensue—the horrors of which could be depicted only by the imagination of a Milton or a Dante. It would seem that the severe regions of the North would have less to apprehend from hostile invasions. Southern chivalry, even if not in requisition for the defence of their own sunny lands, would find little to invite them to arctic expeditions. Would they come to our rugged soil and more rugged clime, to our rock-bound shores and snow-capped hills? Would they penetrate a dense and teeming population of hardy, laborious, and unyielding freemen—every valley a Thermopylæ, and every hill a Bunker's—where "friends may find a welcome, and foes a grave?" The North is by nature the region of strength. It has been so from the days of Attila, King of the Huns, to Platoff, hetman of the Cossacks. The Northern hive would again swarm upon the blooming and honeyed fields of the South. But is there any consolation in this? In such a contest, victory is disaster, and defeat is death. If this Union shall be severed, free Governments will for a while, perhaps, exist upon its fragments. But on both sides of the dividing line must speedily arise a chain of fortified places and military posts, for protection against sudden incursions of predatory and border warfare, to which they are eminently exposed. Standing armies, to occupy these fortifications, and to repel the formidable danger of organized invasion, are the necessary consequence. A martial spirit will be every where excited, and military ambition universally dominant. One party will obtain success and advantages in the war, to counteract which the other must give additional strength to the Executive arm. The first will resort to the same expedient to regain their preponderance, and the weaker will then concentrate all their power in the hands of one man, that it may be wielded with the most efficiency for their protection. Imminent danger of destruction, and the primary law of self-preservation, will silence the voice of liberty; civil power will be merged, and military despotism wave its horrid and resistless sceptre over the ruins of the republic.

This Union is not only the citadel of our liberty, but the depository of the hopes of the human race. He who shall be its destroyer will go down to future ages, associated, indeed, with its founder, the Father of his country—but with a contrasted immortality. No halo of glory will surround his brows, but on his head will gather the hissing curses of all generations—horrible as the snakes of Medusa. He will stand on the highest and blackest eminence of infamy—the detestation of mankind. If he meet not a traitor's death, he will fill a traitor's grave; over which there will be no requiem but the groans of the oppressed and the execrations of the good. His monument will be of human bones, upon foundations slippery with human blood. However high may have been his elevation, his fall will be like that of Lucifer; and, like him, sinking into his bottomless and boundless habitation of darkness and woe, he may exclaim—

"Hail! horrors, hail!
* * And thou, profoundest Hell,
Receive thy new possessor!"

Mr. FORSYTH said that he regarded the constitution as a surrender of power by the people, on behalf of their States, to the United States. He presumed that the gentleman from South Carolina could not contest the right of a people to surrender their sovereignty. By the constitution, they had surrendered their sovereignty, with the single exception of the equality of representation in this House. He considered that among the powers which were delegated to the United States, was the right to determine the mode and manner of obtaining redress of grievances. He also said a few words in reply to the assertion of the Senator from South Carolina, that the General Government could not give a guaranty to that State, in her present condition. Mr. F. concluded by moving to lay the resolutions on the table.

Mr. CALHOUN asked for a suspension of the motion for a moment; and it being granted, Mr. C. said he wished to have a vote taken on the resolutions as he had offered them. This could not be done without the withdrawal by the Senator from Tennessee [Mr. Grundy] of his proposed substitute, as the order of the Senate required that the vote should be first taken on the substitute.

Mr. GRUNDY said, if a vote was to be taken, it would be necessary for him to address the Senate; and declined to withdraw his substitute.

Mr. WEBSTER inquired if it was the wish of the Senator from South Carolina to take the question on his resolutions.

Mr. CALHOUN replied that he would not call for the question, as the amendment of the Senator from Tennessee would, at this late period of the session, have the preference, and preclude any expression of the Senate's opinion on the original resolutions.

The resolutions were then, on the motion of Mr. FORSYTH, laid on the table.

THE TARIFF.

The bill from the House of Representatives to modify the existing tariff, (Mr. Clay's bill, which was introduced yesterday in the House, and passed to-day,) was brought into the Senate by the Clerk of the House of Representatives, with a message from the House, requesting the concurrence of the Senate thereto; and the bill was read, and ordered to a second reading.

Mr. CLAY then observed, that he had no disposition, without the assent of the Senate, to hasten the bill. He left it to them to say whether it should be read a second time that evening. There was no necessity, he presumed, to refer it to a committee, as the same bill, in terms, had been before a select one, and sufficiently discussed; and, indeed, the rules of the Senate did not require it. He would be satisfied with acting on it to-morrow, or the next day.

Objection being made to its second reading to-day,

The bill introduced by Mr. Clay, to modify the tariff, which was before the Senate when it adjourned yesterday, then came up as the unfinished business, and was ordered to lie on the table.

The Senate then adjourned.

Wednesday, February 27.

THE TARIFF.

The bill from the House of Representatives, to modify the act of the 14th of July, and other acts imposing duties on imports, was taken up, in Committee of the Whole.

Mr. CLAY moved that the bill be reported to the Senate.

Mr. GRUNDY inquired if the Senator from Kentucky had examined the bill to ascertain if it was the same as the bill which had been before the Senate.

Mr. CLAY replied in the affirmative; and said, that he believed it corresponded word for word with the other bill.

Mr. DICKERSON moved to amend the bill, by adding a provision, that the rule by which the graduation of duties shall be made, shall be the annual report of the state of commerce and navigation for the last year.

Mr. CLAY opposed the amendment, because he thought that it was founded on a total misapprehension of the bill. There would be now no difficulty in executing the law, if the Secretary of the Treasury should take it up in the spirit in which it will be passed. At the next session there will be a month before the bill will go into operation, while there are but three days left of this session; and any amendment made now must hazard the measure. He would take the example of the framers of the constitution, and follow it. They said, make the constitution, and let it be amended afterwards, and not now hazard the measure.

Mr. WEBSTER said, that although he thought that some amendments were indispensably necessary, yet if the bill were to pass, it ought to pass at once, and he hoped his friend from New Jersey would withdraw his amendment, and leave the matter to stand over until next session.

Mr. SMITH, referring to the state of another bill, (the force bill, now depending in the House of Representatives,) said that he would now give notice that he should to-morrow move to lay this bill on the table, until that bill should have passed.

Mr. CLAYTON said, that although he was in favor of the principle of the amendment, he should vote against it, because he thought that it would, at this period of the session, hazard the passage of the measure.

Mr. ROBBINS expressed a wish to state his objections to the bill, but on the suggestion of

Mr. CLAY, who said he would not press the third reading to-day,

Mr. ROBBINS gave way until the question on the third reading should come up.

The bill was then reported without amendment, and ordered to be read a third time.

AMERICAN STATE PAPERS.

Mr. CHAMBERS moved to postpone the preceding orders, for the purpose of taking up the joint resolution extending the subscription made to the compilation of documents, now in progress by Gales and Seaton, to the continuation of the same; which was agreed to.

The resolution was then read a second time, and considered as in Committee of the Whole.

Mr. HILL asked what was the cost of the documents already printed.

Mr. ROBBINS said he was not prepared to answer.

The resolution was then reported without amendment.

The question being on the third reading of the resolution, Mr. HILL asked for the yeas and nays, which were ordered.

After a few words from Mr. CHAMBERS and Mr. ROBBINS, the question was taken, and decided as follows:

YEAS.—Messrs. Bell, Black, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Kane, Knight, Naudain, Poindexter, Robbins, Robinson, Seymour, Silsbee, Tipton, Tomlinson, Waggaman, Webster.—22.

NAYS.—Messrs. Benton, Buckner, Dallas, Dickerson, Grundy, Hill, King, Moore, White.—9.

So the resolution was ordered to be engrossed and read a third time.

DISTRICT CODE.

Mr. CHAMBERS asked permission to offer a resolution, in consequence of the abandonment of all hope that this new code for the District of Columbia could be passed at this session. He thought that at no session hereafter was it likely that members would go through the whole of the details of the voluminous bill which had been reported. It was therefore deemed advisable by the committee that the bill should be submitted during the recess to such of the citizens as were interested in the matter, in order that their suggestions might be received for the regulation of the action of Congress at the next session. He then offered the following resolution:

Resolved, That the Secretary of the Senate cause to be published, during the recess of Congress, six hundred copies of the system of civil and criminal laws, reported by the joint committee appointed for that purpose; and, also, cause an index to the same to be made; one copy whereof shall be delivered to each member of the next Congress, and the residue to such persons as may be designated by the said joint committee.

[It was agreed to on the following day.]

THURSDAY, FEBRUARY 28.

This day was consumed in the consideration of various private bills, District bills, and in executive business.

FRIDAY, MARCH 1.

THE TARIFF.

The bill for modifying the duties on imports, as passed by the House of Representatives, (in effect, Mr. CLAY's bill,) being read the third time, and put on its passage—

Mr. ROBBINS said he had returned to his first impressions, which were unfavorable to this project; he doubted his own, because some friends, to whom he had been in the habit of deferring much, had different impressions. But reflection has satisfied me (said Mr. R.) that my own impressions were right; and though the amendments to the bill have weakened, they have not removed them. I cannot dissemble my dislike of the bill, notwithstanding the temporary political good effect it may, by some, be expected to produce; nor can I refrain from stating the grounds of that dislike, or at least the more prominent grounds.

The bill carries with it the idea that the protective policy is an evil in itself; an evil to be deprecated, and not to be tolerated for a moment, but to prevent a greater evil—namely, the evil of a sudden overthrow of the great establishments dependent upon it; and to be tolerated only for a few short years, to give an opportunity to those establishments to wind up their affairs, and enable them, so far as that time will enable them, to prevent the consummation of their total ruin. The bill thus considers this protective policy as a great state criminal, condemned to die, but whose sentence is respited for a few days, to give him time to arrange his affairs, repent him of his evil deeds, and prepare for death; but whose doom is fixed, and irrevocably die he must. Such an idea going out to the country, I think, must be pernicious in its effects, especially as it goes out from the professed friends, or some of them, of the policy, with its great champion at their head. It must repress the spirit of adventure; it must depreciate the value of those establishments; it must arrest the progress of the business at the point where it now is; no more capital will be invested in it; and the capital already invested will be withdrawn, as far and as fast as it can be. The tide will have reached its high-water mark; it will now turn back and fall to low ebb, perhaps never to recommence its flood. These great establishments, so widely spread over the country, with all the industry dependent upon them, will be kept in a feverish lingering state of existence, suspended between hope and fear; with much to alarm their fears, with little to animate their hopes. It cannot be but this languishing state must ensue; for we all know how feeble is the hand, when not seconded and invigorated by the impulses of the heart.

But I have risen, mainly, to contribute, so far as my poor efforts could contribute, to correct the impression given by the bill to the prejudice of this policy. The protective policy an evil in itself! I would be glad to know if any gentlemen here will tell me that the immense resources of this great country are never to be developed; and, if to be developed, if they can be, without the aid of Government? And then, if this aid can be afforded by any means other than the protective policy? The boundless resources in our agriculture, with its infinite capabilities; our resources in our mineral wealth; our resources in artificial power by water and by steam; our boundless resources in the manual labor of our many and rapidly increasing millions of people; the resources in the great capital of this country; in the skill acquired and to be acquired; but, above all, in the enterprise and inventive genius of the most enterprising and inventive people that perhaps ever existed on earth—are these resources never to be developed? However we may differ in opinion as to the best means of their development, as to our interest in the object itself we cannot differ; that must be the same every where—in the South and in the North, in the West and in the East. All parts abound with these resources; all are interested in their development. The country is unfaithful to herself, unfaithful to her people, if she do not adopt the means necessary to their development. I ask, again, can this development be effected without the aid of Government? Will any one tell me it can be effected by a system of free trade?—a trade free on one side, and restricted on the other?—free to us by all the world, and restricted by all the world against us? And this is all the free trade we can have. Free trade to develop our resources! Were it not for the respect I bear to some respectable patrons of that opinion, I would say, that such a thesis is only fit to be maintained by school-boys, as an exercise of the schools. How it can be attempted to be maintained by men, enlightened by experience, acquainted with the state of the world, and capable of reflection, is to me incomprehensible. Let them tell me, if they can, how this free trade system can be an efficient instrument of this development? How it touches, or can be ever made to touch, a hundredth part of these resources? They might as well undertake to tell me how a settler in the woods might fell the forest around him with a penknife, and let in the sun to develop the resources of the fertile earth.

I think a little reflection will satisfy any one that our great resources must forever remain dormant if they are to wait their development from the operations of free trade. But by the aid of Government they may be rapidly and fully developed; and by means so obvious, so direct, and so adequate, that nothing appears to me so unaccountable as the struggle that is made to prevent their adoption; or to get rid of them, so far as they have been adopted. It is only to give to the industry, the capital, and the enterprise of the country, the market of the country, and the work is accomplished, or in a train of rapid accomplishment. The result is necessary; if we look into the cause, we see it must be necessary; we see there a force that must have this effect. A market is the mighty power that is to perform this mighty work; and there are no limits to this power when created by this policy. The market brings forth your resources, and your resources augment the market; the action and the re-action are reciprocal, and the reciprocal effect is as unlimited as your resources themselves. The stream does not flow with more certainty from its fountain, and roll on to the ocean, than the development of all our resources would flow, from the operation of the simple expedient of giving to the industry of the country the market of the country.

Is it wise, then, to tell this country, as this bill seems to tell them, that this policy, so benevolent in its effects, so almighty, I might almost say, in its benevolent effects, is an evil in itself; and to be got rid of as soon as it can be under existing circumstances? I think not.

Again: this bill, if it is to be the permanent system of the country, (and there is nothing in it that implies the contrary; that is what it professes to be on its face,) it does propose that the country shall take security against the country—not to pursue any further, after the 30th of June, 1842, the great work of developing her own resources; to which work a system of protection is indispensable. For I have not heard one gentleman, either friend or foe to it, say that this bill would afford a system of protection; nor is it possible that any one should say this, and speak from knowledge of the subject.

But it has only been said, in its favor, first, that it preserves the principle of protection. Now, what signifies it to preserve the principle of protection, if protection itself is not preserved? If the principle is so limited and restricted in its exercise, as it is in this bill, that it cannot give protection, it might as well be out of the bill as in it. It is nugatory as to the great object. And then, it is said that the bill, as it is, will protect some branches of industry. True, it may some—a few. I think it probable that some few fragments of the system will remain, and survive the shock of 1842; but the system itself will be gone; and with it will be gone the necessary means to the great end of developing the resources of the country, which, as I have so often said, can only be found in a system, a complete system, of protection. They never can be found in a few fragments of a system. Then, in 1842, the barriers are to be broken down, and our markets are to be thrown open to the world, while the markets of the world are to remain closed against us, as they now are. Then will commence the glorious era of free trade, and its reign, by the bill, thereafter is to be everlasting. The 30th of June, 1842, will be to England a day of jubilee, such as she has rarely witnessed; the prospect of that day will infuse a lively joy into every British bosom; for that day is to let in and give to her industry, while it takes from our own, the supply of the wants of eighteen millions of people, and on her own terms.

"What shame, what loss is this to Greece! what joy
"To Troy's proud monarch, and the friends of Troy!"

If we were now at war with Great Britain, and if by the fortune of that war this country was subdued, and at the mercy of Great Britain; (I ask pardon of my country for supposing an event of the contest which I know would be impossible;) in that event, the worst we should have to apprehend from our conquerors would be, that very condition which we are going to impose upon ourselves. The greatest calamity that foreign war and foreign subjugation could inflict, is going to be inflicted on the country by the country herself. What, then, Great Britain, with her thousand ships, with her Wellington, and her Wellington armies, and by a ten years' war, could not acquire to herself, she is going to secure to herself by one single act of our own folly. Her young and gigantic rival, and the only rival she now dreads, whose eagle she has seen taking his flights with many a jealous pang; that young and gigantic rival is going to relieve her from all her inquietudes, by becoming her tributary. We may, then, bid adieu to all those visions of glory in which we have so fondly indulged, as connected with our future destinies, and take an humble rank with the tributary nations of the earth; tributary to a nation who has the wisdom to adhere to a policy which we have the folly to reject, and shall have renounced forever.

I know it is said this bill is not to be what it professes to be—a permanent system for this country. But, if this system is to be adopted, and then to be destroyed, who are to destroy it? We, the friends of the policy, are to destroy it—we are to wage the war—we are to make the attack—we are to obtain the conquest over it. Now, I had rather be in a condition to have to defend our own possessions, than to have to attack and conquer those of the enemy. I do not like the idea of first giving up our possessions, and then of going to war in order to recover them back. The event of that war depends upon the uncertain contingencies of the uncertain future; and I see nothing in the hopes resting on those contingencies to countervail the force of my contrary fears, and to quiet my mind on the subject.

It is said, too, that the treasury is in danger of a plethora, from a surplus, or accumulating surpluses, of revenue; that this danger must be obviated by graduating our income to the wants of the Government. Wants of the Government! These must depend upon the objects of expenditure by the Government; and these must be determined by the wisdom and discretion of Congress, hereafter, as well as now; they cannot be prescribed and limited by us. If an overflowing treasury be an evil, it will be time enough to apply a remedy when the evil exists. At present it does not exist, nor can we know with certainty that it will exist hereafter. But is an overflowing treasury an evil? and such an evil, that all the great interests of the country, involved in the development of her great resources, must be sacrificed to its prevention? An evil! Who feels this surplus of revenue, if there should be a surplus, as a burden? From whom does it abstract one necessary of life, one comfort, one luxury? Not an individual in this country. The revenues of this country are no more felt as a burden upon them, by the people of this country, than the dews of heaven are felt as a burden upon them; they are alike unconscious of both; and no one would think of the former as a burden, but for the metaphysics employed to prove it to be a burden. What sort of burden is that which is felt only by the aid of metaphysics, and then only by the aid of imagination?

I hope we shall consider, and, if we do not, that a future Congress will consider, the great and glorious objects yet to be accomplished by this Government, and to which these surpluses will be necessary—objects of national improvement, demanded by the geographical situation of the country, and which constitute, in fact, one of her great resources yet to be developed; and the establishment, too, necessary to develop the resources of the mind of the country—if she should deem it worthy of her ambition to aspire to the most glorious of all fame, the fame which mind confers by her immortal works. Believe me, the establishments necessary to this glorious end are yet to be created. Little views to little savings, very proper for petty corporations, are not the views proper to the statesman in the American Congress. These ought to be large and prospective, and to correspond to the grandeur of the trust committed to his charge; otherwise he runs the risk of dwarfing the country born of gigantic proportions to the littleness of his little views. The prospect of these surpluses, then, far from embarrassing, rejoices me; for I see in them the means to great and desirable ends, and without occasioning a particle of grievance or inconvenience to the people.

I know it is said, too, that the dissolution of the Union is threatened, and that this bill is necessary to hold the States together. Yet it is said, in the same breath, that this bond is no bond, and is represented as frangible as the flax scorched by the fire. The tendency to fly off from the Union, I should hope, was not very strong, if it could be overcome and constrained by so frail a ligature. But to be serious: this very argument is what alarms me most as to the stability and efficiency of this Union. Here, in this body, we have seen an inherent power claimed for the States unknown to the constitution, and incompatible with it, and to be despotic over this Union. We have seen a State arm herself with this power, and put herself in an attitude to exert it. That State hath neither disarmed herself nor renounced this power. Now we offer to her this bill, to induce her, not to renounce this power, but to refrain from its exercise at present. Is not this a practical recognition of this fatal power? What is to hinder this State from resuming this attitude hereafter? What is to hinder any other from assuming the same attitude, by this power to wrest from the General Government any one of its powers, or, what amounts to the same thing, prevent its exercise? In that case, by this precedent, we are either to yield the disputed power, or to buy off the Union by a compromise. If this precedent is to govern hereafter, where is the security for the stability or efficiency of this Union? I cannot see.

This bill, however, I suppose, is to pass, notwithstanding all these considerations, and the many others that have been urged with so much more ability. If it does pass, it may smother the fire now raging in one place, but I fear it will preserve the embers, that one day will consume the fabric of the Union.

Mr. CALHOUN said, that as the bill was now on its passage, he desired to make a few remarks, in order that the views which he entertained in relation to it, and the position he occupied, might be distinctly understood.

When the Senator from Kentucky first introduced the bill, he (Mr. C.) then said that he approved of the principle, and that he thought no satisfactory adjustment could take place but on time--time to afford the manufacturers to accommodate their business to the change which must follow the adjustment of the duties. He still remained of the same opinion.

To many of the details of the measure he had objections; but he was willing to take it with its faults, as a peace-offering; and, so far as he was concerned, his influence would not be interposed to prevent an acquiescence. Among the objections to the bill, he thought the reduction of the duties in the first part of the series too slow, and in the last too rapid; and that the time for the final reduction was too remote. He also objected to the home valuation; but he thought that these objections were outweighed by the fact that the bill provided, as to the final result, that the revenue should come down to the just and economical wants of the Government. With the contemplation of this result, as to its final operation, he believed it would be accepted of by the South; and that peace and harmony, as far as this subject was concerned, would be restored to the country.

There had been a good deal said during the discussion, how far this passage of the bill would involve a pledge as to the arrangement of the tariff which he proposed. He felt but little solicitude on that point. He had little faith in pledges; he had experience enough to know that the most solemn compact, and even the constitution itself, would be violated—palpably violated, in his opinion--whenever the dominant party saw its advantage in such violation. His reliance was not on pledge, but the circumstances under which the bill was about to pass; experience had shown the operation of the protective system, and had convinced every reflecting mind that it could not be persisted in without compulsion and division; and he had no fear that any one could be found so reckless as to attempt to reinstate the system with the present experience before his eyes. He had no doubt, if made, the voice of the people would repel it with indignation.

There may, indeed, at the termination of the series, be a question raised, likely to produce some excitement—he meant that of the distribution of the duties under the maximum rate of duty of twenty per cent., as fixed by the bill. But he had no fear that even then, with the light of our present experience, any will dare attempt to propose any distribution which shall not act with substantial justice between the great sections of the Union and the country. With the light which has been shed on this subject, no system will again be attempted which shall impose the taxes so unequally as to operate as burdens on one side, and bounties on the other.

He had said, that as far as this subject was concerned, he believed that peace and harmony would follow. But there is another connected with it, which had passed this House, and which had just been reported as having passed the other, which would prevent the return of quiet. He considered the measure to which he referred as a virtual repeal of the constitution; and, in fact, worse than a positive and direct repeal; as it would leave the majority without any shackles on its power, while the minority, hoping to shelter itself under its protection, and having still some respect left for the instrument, would be trammelled without being protected by its provisions. It would be idle to attempt to disguise that the bill will be a practical assertion of one theory of the constitution against another—the theory advocated by the supporters of the bill, that ours is a consolidated Government, in which the States have no rights, and in which, in fact, they bear the same relation to the whole community as the counties do to the States; and against that view of the constitution which considers it as a compact formed by the States as separate communities, and binding between the States, and not between the individual citizens. No man of candor, who admitted that our constitution is a compact, and was formed and is binding in the manner he had just stated, but must acknowledge that this bill utterly overthrows and prostrates the constitution; and that it leaves the Government under the control of the will of an absolute majority.

If the measure be acquiesced in, it will be the termination of that long controversy which began in the convention, and which has been continued under various fortunes until the present day. But it ought not—it will not--it cannot be acquiesced in—unless the South is dead to the sense of her liberty, and blind to those dangers which surround and menace them; she never will cease resistance until the act is erased from the statute book. To suppose that the entire power of the Union may be placed in the hands of this Government, and that all the various interests in this widely extended country may be safely placed under the will of an unchecked majority, is the extreme of folly and madness. The result would be inevitable, that power would be exclusively centered in the dominant interest north of this river, and that all the south of it would be held as subjected provinces, to be controlled for the exclusive benefit of the stronger section. Such a state of things could not endure; and the constitution and liberty of the country would fall in the contest, if permitted to continue.

He trusted that that would not be the case, but that the advocates of liberty every where, as well in the North as in the South; that those who maintained the doctrines of '98, and the sovereignties of the States; that the republican party throughout the country, would rally against this attempt to establish, by law, doctrines which must subvert the principles on which free institutions could be maintained.

Mr. FRELINGHUYSEN said, if this were a mere abstract question, he should concur with the views of his honorable friend from Massachusetts. He did believe, with him, that all civilized nations, who hold commercial relations with the world, must cherish their domestic industry by a protective policy. But, he said, this was not now an abstract but a practical question, of deep and most eventful moment. It is vain, said he, to disguise this matter, that for the last nine or ten years a constant pervading, and almost universal discontent with our tariff system, has prevailed throughout the Southern section of the United States. This dissatisfaction was aggravated by the tariff law of 1828; a measure which all agree was of very exceptionable character in many of its provisions, and at last has broken out into what I must denominate the absurd doctrines of nullification. Although these doctrines are effectually denounced by the power of public sentiment; yet, let it be remembered, this nullification is only one of the many forms by which discontent has manifested its influences. So uncompromising has been the hostility of the South to the policy, that we have seen men, who differ on all other subjects, agree in this. Even party spirit, in its all-absorbing power, has not been able to raise a voice in its favor. Yes, sir, the opposition has grown to such a magnitude, that two months ago every patriot trembled for his country. In this crisis, Mr. F. said, the bill now on its passage, as a great peace offering, was proposed to the deliberations of Congress. I confess, said he, that my mind was greatly embarrassed, and I feared that it was not only of doubtful, but dangerous tendency, not only to the tariff, but to my honorable friend from Kentucky. But the interchange of views, the benefit of opinions from those personally engaged in these branches of our industry, has brought my mind to the clear conviction that it is a patriotic effort to rescue the whole system from the perils that threaten it.

I believe, sir, that the honorable mover in this pacific and healing measure, however he may now be assailed by the press, will yet be hailed and honored by a grateful people, for his agency in restoring peace, harmony, and fraternal feeling to this distracted country.

It is with great satisfaction and consolation, also, that those of my constituents whose interests I am here to protect, are satisfied with the bill before us. They declare their preference for a measure, which secures to them eight years of tranquillity, to high tariffs with continued hostility. Sir, they are willing, and so am I, to wait for the influence which the lights of experience, which time and better feelings, we may hope, will shed over the claims of our great national interests. I am persuaded that far less danger will then betide this policy, than threatens it at this time. The system has, heretofore, had no fair trial with the Southern section. We all know that it has met with constant conflicts on our floors. There has been no time for calm and dispassionate consideration. It has been struggle and resistance, without intermission or end. The strife of debate, and the claims of consistency, have all been pledged against it.

Now, said Mr. F., I trust we shall have peace; the conflict is past; we shall have time to take breath, and look at the subject, with reflection and judgment, in all its national bearings; and I believe, sir, that eight years hence we shall find that public opinion, which now seeks the destruction, enlisted in the support of our home industry. But should we be disappointed at that time, and should the North find the tariff to be essential to its prosperity, and the South persist in unyielding hostility to protection, then, sir, will be soon enough to meet the momentous exigency; and the postponement of such an issue is among the strong inducements to the proposed compromise.

Who is there that does not rejoice, said Mr. F., in the happy change of feelings, that, by the blessing of a benignant Providence, we now witness? However others may have felt, sir, it has taken off from my mind an oppressive load of anxiety. At the commencement of the session apprehensions were strong, in every bosom, that the Union would be shaken to its foundations, if not utterly destroyed. Now, sir, instead of separating under the sad fears that we might not again meet as brethren of the same happy and blessed country, we are about to return to our homes with much of that good temper, kind feelings, and fraternal confidence, which entered so largely into the establishment of our Union.

Mr. DALLAS observed, that he had said, as yet, but little on the subject, and he should perhaps say very little at present. That little, however, he thought it his duty to say. Although the Senator from South Carolina had stated that the South would not view this bill in the light of a pledge to abandon the protective system, yet the gentleman who had opposed the bill had indicated a different opinion; and, for himself, he was opposed to all that kind of legislation. If, indeed, it were a law in relation to the whole community of the United States, then it might be characterized as a healing measure. He (Mr. D.) had little or no faith in what might be denominated legislative bargains. He was averse to all legislative arrangements which compromised or abandoned certain great principles. This bill might have the effect of healing the grievances of the South, but he apprehended it would operate merely to create discontent in that State from whence he came. Gentleman on that floor, unacquainted with the present condition of Pennsylvania, could scarcely conceive what would be the effect of this measure on it. She had for many years back legislated in reference to her own concerns, in the full belief and confidence that the system which had been established by the United States would be steadily persevered in. If this bill should pass, the overthrow of the protective policy might be looked upon as almost certain; and the inevitable consequence would be, that thousands, tens of thousands, and hundreds of thousands of men, would be thrown out of employment, and become paupers. In addition to this, all those vast internal improvements which have attracted the admiration of other States would be rendered unproductive, and allowed to go into decay and ruin. The State, in order to bring all its resources into play, had expended immense sums in making railroads, turnpikes, and canals, all of which would be comparatively useless, and the loss of capital in consequence would be almost incalculable. Her system of coal-mining, too, would be comparatively unproductive; the attention now paid to the wool-growing interest would cease; and, in a few years, she would present a picture similar to that which she exhibited thirty or forty years ago. He (Mr. D.) thought that a bill involving such important results ought to have been maturely considered and weighed before any final decision was had upon it. But, in the course of ten days this bill had been offered, and passed rapidly through both Houses of Congress, and was now about to become a law of the land. Gentlemen had read private letters from individuals, perhaps partial friends, on the subject of this measure, speaking in praise of it; but really he (Mr. D.) was totally unaware whether or not the writers of them were interested by pure motives. Congress had acted hastily, and in a few days had brought to a final vote a measure which affected the whole people of the United States, more or less. He could have wished the postponement of this question until the meeting of Congress in December next. It would be a Congress under a new basis, a new census, and one which would more fully represent the feelings of the people. But few months would elapse before it would convene, and he thought it would have been wiser to have left this matter for their decision. He would not pretend to say what that might be. If they determined to destroy the system, he would acquiesce cheerfully in that decision, and so also would the State which he represented. South Carolina and Virginia (as far as she had spoken) had fixed upon the next Congress as the time for the settlement of this subject. It is but a few months since Congress had the tariff under debate--in July last: after a very full investigation of the matter, in debates protracted day after day, week after week, and month after month, they came to a conclusion satisfactory to both Houses of Congress; and he believed, that if a bill destroying that measure was now passed, it would be difficult to avoid the character of inconsistency. He thought that this was a measure which ought not to be passed by the Congress of the United States. It provided for a too rapid reduction of the rates of duties, and was not accompanied by sufficient guards and securities in reference to the principles and individuals affected by it. Here Mr. D. stated what his propositions and objections were while the bill was before the select committee. He believed that the honorable gentleman from Delaware agreed with him in all his views, with a single exception, and that was as to the home value. He (Mr. D.) was in favor of cash duties; but his friend was willing to give them up, provided he could get the home value.

The honorable Senator from New York [Mr. WRIGHT] had offered some practical views in relation to this subject, which appeared to him (Mr. D.) altogether unanswerable. It had been said that this bill would secure protection and give stability to manufacturers for nine years. It would be very consolatory to him if he could see any foundation for believing that it would. He must look to the bill itself; must judge for himself as to the operation; and he confessed it did appear to him, that gentlemen were mistaken in saying that the principles would be carried into effect. Now, he would ask gentlemen, if a day was pointed out in a given number of years when the whole system was to be abandoned, what would be the inevitable effect with respect to the property of those engaged in the manufacturing business? He would ask honorable Senators whether it was possible to escape the conviction that, as soon as a stop was put to the prolongation of this system beyond the year 1842, the consequence would be, that the value of the property invested in manufactures must be depreciated throughout the country? He knew that the whole system of protection must terminate in 1842. He derived no benefit from his attachment to the system; but after being instructed in it by the gentleman from Kentucky, and the gentleman from South Carolina, he could not consent to the overthrow of the system entirely. He expressed his inability to comprehend the benefits which he was told would result from the passage of the bill. But he was well aware that a skilful pilot in a storm might be giving his vessel a direction towards some preserving eddy at the very moment when, to a landsman, it would appear that she was running directly upon the rocks. So it might be with the gentleman from Kentucky, who had heretofore proved himself to be an admirable pilot. He might be running his ship towards some preserving eddy or current, in order to bring her up. If so, he (Mr. D.) should rejoice, though he confessed he could see nothing ahead but shoals and rocks, and, in consequence, felt himself bound to oppose his course. He, (Mr. D.,) though opposed to the passage of the bill, was nevertheless disposed to give it fair play. The votes given in favor of the measure by the Senators from South Carolina—and he (Mr. D.) said this with great respect—was a practical abandonment of the doctrine of nullification; since, after declaring the act of 1832 null and void, they voted for a measure based upon that act. The votes, therefore, given for this bill, also recognised the other. If we were to get rid of these constitutional scruples by the votes of the gentlemen from South Carolina, why then he considered that something had been gained by the passage of this bill. If it should produce harmony and conciliation among all parties, it would be a subject of universal congratulation.

In conclusion, he would only say that there was no doubt of the passage of the bill; and although it might operate oppressively on the interests of his State, yet, if it had the effect which was anticipated, in reconciling the Southern part of this country, he should feel highly gratified.

Mr. EWING, of Ohio, said he could not feel that he had discharged his whole duty to himself, and those whom he represented, if he gave a silent vote upon this bill. Modified and matured as it is, said he, I have, after some hesitation, determined to support it; and I will consume as little time as may be in giving the reasons which have brought me to that determination.

I could have wished, had it been practicable, said Mr. E., to have left the subject untouched, at least for the present session. At the last, it occupied our time, and that of the other branch of the National Legislature, for many months. The system which was then matured has, in but few of its provisions, yet gone into operation; but already a kind of political necessity requires that it should be retouched; that, too, in a manner most materially affecting the protection of our domestic industry.

First among the causes which combine to produce this necessity, is the liquidation of the national debt. Heretofore, the duties upon imports could be, and were, laid with the combined objects of revenue and protection, without any apprehension that the revenue would exceed the wants of the country. Whatever surplus might arise, from our highly flourishing commerce, was readily absorbed by the sinking fund, and applied beneficially to the country in the reduction of the national debt. But that debt is now paid, and the imposts must be reduced to the revenue standard, or the surplus revenue must be applied to some objects of national importance. To collect and accumulate in the treasury a surplus fund is what no man would recommend. The application of a surplus revenue to works of internal improvement has been, as is well known, a favorite policy; but the opinion of the present Chief Magistrate is decidedly hostile to this policy; and in this he has been sustained by a majority of the people. His opinions must be acquiesced in; for, without his sanction, no measure of this kind can be adopted—much less can it be acted upon as a system. We are, therefore, constrained to accept this branch of the alternative: the revenue must be brought down to an amount sufficient for the administration of the Government; and the estimates of the Secretary of the Treasury show that a reduction of near six millions on the tariff of 1832 is necessary to bring it to that standard.

This necessity existing, the only question left is as to the time and manner of reduction. And I confess, sir, that I have had some weighty objections to touching the subject at this session of Congress. The law that we passed at the last session, on the most mature and careful consideration of all the various interests of our country, has not yet gone into effect, and I could earnestly have desired that the experiment should at least be tried under its provisions, and that we need not have been constrained by circumstances to remodel a work so fresh from our hands. But the Executive denunciation against the protective principle, as contained in his veto message of the 13th of July last; his recommendation in his annual message at the commencement of the present session, and the report of the Secretary of the Treasury which accompanied it; the immediate movement in the House of Representatives by the friends of the administration there, and the nature of the project presented them, as it was understood, with the concurrence of high authority—all convinced me, that whatever I, and those with whom I act, might wish upon that subject, the thing must and would be done. Another reason which weighed strongly with me against this measure was the attitude recently assumed by South Carolina. The Senator from that State, farthest to my left, [Mr. CALHOUN,] has, in speaking on this subject, deprecated, in the strongest terms, the bill which originated here, and which has just passed the House of Representatives, arming the Executive with power to counteract and resist the measures of that State. But I say, unhesitatingly, for myself, I would never have given my sanction to this bill, or any other which might look to concession and conciliation, without the previous passage of some law such as that asserting the supremacy and sustaining the power of the Union. But the success of that measure, which I entirely approved, and heartily sustained, satisfies me on this point, and removes, in my estimation, that objection to the present consideration of the subject.

This difficulty removed, there are reasons growing out of the situation of the country which would induce me the more readily to do at this time what must soon be done, even if the option were left with me, as I am sure it is not. Sir, the discontents in the whole southern division of our Union—not in Carolina alone, but in the whole South—have been fanned and nurtured, year after year, until they have risen to a pitch of excitement which is destructive of the harmony, if it do not threaten the stability, of our Union. If those unhappy discontents can be removed by this conciliatory measure, it will give us concord and good will, as we have a right to believe it may, when we have for years past had nothing but heartburnings and divisions. If it will, in truth, harmonize the discordant elements of our country, and give us peace at home, I, for one, shall not regret that I have sacrificed some of my predilections to obtain it; and even as to those of our brethren who have wandered farthest and erred most, surely we cannot desire, unless necessity demand it, to see them crushed and humbled to the earth. One of the Grecian generals—I think it was Themistocles—said he would erect a bridge of gold to aid the retreat of an invading enemy; and his saying was a wise one. Ought less to be done to invite the footsteps of returning friends?

But the bill has been assailed, on all sides, with great wrath, and a determined spirit of hostility. The Senator from Georgia, while apparently giving it his support, has pursued a course of argument the best of all calculated to array Southern men and Southern feeling against it. He treats it as an abandonment of principle on their part; as a giving up of all that they have so long and so steadily struggled for, and that, too, at the moment when it was just in their grasp. On the other hand, my friend from Massachusetts, from whom I never differ without much self-distrust, tells us that it is on our part an abandonment of the principle of protection. It contains, he says, a pledge not to vary, not to modify the duties, and that it will put us in the power of foreign nations, and prevent us from countervailing any legislation of theirs which may be directed against our industry.

On the strictest examination which I have been able to give this subject, some of their objections appear to me wholly unfounded, and others greatly exaggerated, by the strong and imposing manner in which they are presented. Of one thing I feel confident; with the intellectual power which is brought to bear upon this proposition, no actual defect in the bill can have escaped exposure, nor is there any one which has not been shown us in its full dimensions at least, if not somewhat magnified. Indeed, I was half inclined to think that my honorable friend himself labored under an illusion similar to that of the philosopher, who, looking through a telescope of very high power, discovered a living monster striding across the disc of the sun. The origin of the wonder is well known. A small insect, invisible to the naked eye, was making its way over a lens of his telescope.

How, sir, is the fact? Does this bill abandon the principle of protection? Satisfy me that it does, and no consideration will induce me to yield it my assent. But, sir, no idea can be more erroneous; even after the year 1842, when all the proposed reductions shall have taken place, there is a long list of articles, nearly one hundred in number, introduced duty free, for the express object of protecting and sustaining the manufactures of our country, and a proposed discrimination of duties on all other articles below the range of 20 per cent. So far, then, from the principle of protection being yielded by this bill, it is distinctly recognised; the sufficiency of that protection is another question, and one which has been already considered by gentlemen more completely masters of the subject in its details than I am.

I cannot concur with the Senator from Massachusetts in his opinion that this bill contains a pledge to sustain future legislation, or rather to bind the honor and consciences of those of us who now support it. I sign no bond in legislation, nor will I hold myself bound beyond what the good of my country may require or justify. Sir, all that it speaks of future legislation is but recommendatory in its nature. It is not law, nor can it have the binding force of law. It is, then, nothing more than an expression of the present opinions of those who support it, having in fact precisely the same force and effect as a resolution; and, on comparing the words in this bill, which my honorable friend construes as a pledge, with the first of a series of resolutions which he offered a few days ago, I can discover no shadow of difference in the principle laid down by each; they are almost identical. In truth, sir, there is nothing in this idea of a pledge so much dwelt upon by the opponents of this bill. All who support it say, with one voice, there is not. The Senator from South Carolina, [Mr. Calhoun,] on the other side, says that he does not so consider it. He trusts to its permanence on the more substantial ground, that the time and circumstances under which it was brought forward, and the effect which it was intended to produce, and which we confidently hope it will produce, in yielding peace and repose to our agitated country, will cause it to be considered as a settlement of this great political controversy, in which each of the extremes has yielded something to union and conciliation; and that no one will touch it until time shall have tested its merits, or some urgent necessity shall require a change.

The Senator from Pennsylvania, near me, [Mr. Dallas] said, a few days ago, that he looked on this bill as a disgraceful abandonment of the principle of protection. I confess I was surprised, and at the same time gratified, to find that he has entirely changed his opinion; to-day he tells us that he looks upon its acceptance by the gentlemen of the South as an entire abandonment of their opposition to the protective principle. Still, his objections to the measure do not appear to be diminished by this change of opinion; he looks upon it as an abandonment of the interest of the Northern and Middle States, and especially Pennsylvania, who expected, and had a right to expect, that her industry, which had grown up under this system of protection, would be still fostered and protected.

I recollect that the honorable Senator, at the last session of Congress, stood by us through a long and difficult contest, a firm and able supporter of the protective policy. I recollect, too, in the historic sketch which he gave of the origin and progress of that principle in our Government, that he appealed to Washington, and his successors in the Presidential chair, as gentlemen whose recommendations were entitled to respect and consideration. But it was on the opinion of the present Chief Magistrate that he said he rested; and, in speaking of him and his views, he seemed, like the wrapped Platonist, to be lost in the bright emanation of the ethereal essence. But the opinion of the Executive has changed on this subject, or, if not changed, it was not then understood. At the close of that very session, in his veto message, to which I have already referred, he condemns the whole protective policy as iniquitous and unjust; and, in his last annual message, he distinctly tells us that the revenue must be reduced to the wants of the Government. Then, while we remember the authority on which the Senator from Pennsylvania founded his support of the tariff at the last session, and since have seen that foundation swept from beneath his feet; if we recollect, too, that he supported with equal zeal, nay, led the van, was first of the foremost in support of another measure of great national importance—the rechartering of the Bank of the United States; and that, in less than one short month after that measure was destroyed by the veto of the Executive, the honorable Senator attended and addressed an assembly of his fellow citizens met to approve the veto, and consequently to repudiate the law which was forbidden; while we recollect these things, I appeal to the gentleman himself, had any of us who wished to sustain the protective policy any right to expect his aid in its support, if a bill, which was understood to have originated in a certain high quarter, had come before us for consideration. Let the honorable Senator remember, too, that but one intimation of his views upon this subject was permitted to escape during the present session, until this bill was presented by the Senator from Kentucky; and that expression, as I understood it, went to this: that he would abandon the whole protective policy, if necessary, to preserve the Union. We had this without the explanation which the Senator has since given of it; and always heretofore, during the present session, on this subject, he has been either silent or ambiguous.

Under these circumstances, if we had wished to make a stand, and hazard every thing in support of the present tariff, had we any reason to hope for the support of the Senator from Pennsylvania? We thought we had none; and the Senator himself will, I fancy, be satisfied that we reasoned correctly from the facts that were before us; and, without his aid, and that of those who act with him, we well knew the effort would be hopeless. And what right has the honorable Senator, or what right has Pennsylvania to complain, if this state of things do in fact lead to the prostration of her industry? She has placed in the hands of an individual the power, after he had expressly declared that he had the will to destroy this system. Situated thus, we saw and felt that the protective policy could not be long sustained in its present effective form; it must suffer retrenchment and diminution; many of its roots must be severed, and its branches topped. But, with care and caution in the process, we still hoped that the trunk might be preserved ; but, in this hour of trial, it was thought better that it should be in the hands of its friends than of its enemies. Since reduction was inevitable, there is, in my opinion, no mode which could have been devised, better than that gradual reduction proposed by this bill. It causes no sudden shock in the business of the country, and it gives time to the manufacturers to mature their machinery, perfect themselves in the details of their business, and prepare to meet the foreign competition as it gradually presses upon them. In every respect it is better than a sudden and immediate reduction, such as was proposed in the original bill reported in the House.

A gradual reduction, by legislation, from year to year, would have been attended also with unhappy consequences. No one could have rested for a single year on a certainty of the future; the public mind would have been still kept in a constant state of feverish excitement; a war of intellect and opinions would have been still waged, and the extreme sections of the Union would have gone on increasing in bitterness and hostility against each other. But we have a right to hope now, for a short season at least, of quiet; that the troubled ocean will, for a while, be still; and, in the mean time, we have all the chances of a change of public opinion in favor of the protective policy; the chances of war in Europe, which would be itself protection; and, at worst, the protection afforded by this bill, when reduced to its lowest point, will be large, if not ample—taking into view the home valuation and cash duties. And, on the whole, I feel confident that the industry of our country will be more safe in 1842, under the provisions of this bill, than it would be in 1834, if this bill do not become a law.

Mr. MANGUM would not, he said, long detain the Senate; but, before they parted with the subject, as he hoped they soon should, he felt it due to himself to say a few words. Does the honorable Senator from Pennsylvania suppose (said Mr. M.) that we shall be driven from this work of harmony, by his suggestion that it is an abandonment of the grounds which we had taken against the protective system? After sleeping upon it three or four nights, the Senator at last finds that the bill recognises the principle of the tariff of 1832, and he professes his gratification at the readiness of the Southern people to gulp it down. He was not disposed to scan, very closely, a measure, the object of which was to give peace and harmony to the country; but the gentleman from Pennsylvania shall not, said Mr. M., put words in my mouth, as expressive of my opinions of this measure. He acted on the subject, at this time, in the same manner as formerly. A settlement of the subject had been held out to us, and we were promised a restoration to our rights sooner and more complete. But does any one wish to see a sudden and total destruction of manufactures by a single blow? This bill kept them alive for ten years, and, after that time, will enable all honest pursuits to live and thrive. The honorable gentleman seemed to suppose that the bill derived its origin from some sudden and great panic in the public mind. It becomes not me, said Mr. M., to trace the motives of those who brought forward this measure; but I have no doubt that they are, in an eminent degree, honorable. He felt deep gratitude to those who had come to our deliverance, in the hour of our deepest gloom, when we saw no light save the sparkles which gleamed from the steel of the enemy. If I were tenfold more ambitious than I am, I would not derive more glory than he has who restores peace to an empire like this. His laurels will grow green, and be forever cherished by a grateful people.

It had been said that the bill was the result of a general panic, by those who affected insensibility to the danger to which our institutions were exposed. From the panacea which they advocated, good Lord deliver us! They supported, with a zeal which could not be exceeded, a measure, the abominations of which he wanted words to express. The last argument of kings they chose as the first argument of a republic. They sent out the sword, the bayonet, and the banner, but no olive branch. Gentlemen are startled at the idea of surrendering the dignity of the Government. What Government is it? It is the Government of those who set it up. The solid foundations of its strength are the confidence of the people. When it leaves that confidence, and appeals to the sword for support, it must totter and fall. But, sir, said Mr. M., I leave this subject. I rose to return my thanks to my honorable friends, through whose zealous and patriotic efforts this glorious consummation has been brought about. The measure would, he believed, tranquillize the agitations which threatened to produce a desperate result; and those who had come forward to save our Government, and restore peace and harmony to the country, would, he hoped, receive the deep and lasting gratitude of their fellow-citizens.

Mr. CLAYTON then made some observations on the assertion that the principle of protection was abandoned, a statement which he denied. He could not understand how any gentleman could stand up, in the face of all the exemptions which the bill contained of articles used by the manufacturer, and say that there was any intention to abandon the principle of protection. He would not sacrifice any of the great interests of the country, but would look abroad upon the whole, with a desire to extend to all an equal and an efficient protection. He believed that, instead of being abandoned, the tariff system would, hereafter, be placed on a better footing than any on which it had heretofore stood. It was from no feeling of panic that he had been induced to vote for this measure. He had been disposed to soothe the feelings of the people of South Carolina, and to produce a state of things which would bring all the great interests of the country to act together. He replied to some of the remarks of the Senator from Massachusetts, [Mr. WEBSTER,] especially to the one in which he had said that this bill contained a pledge which would prevent any honorable man from voting for a repeal of this law. In such a case, he wished the Senator from Massachusetts to establish a rule exclusively for his own government, and to leave others to the same free course of action. He also went over the ground he had formerly taken as to the concurrence between the resolutions of that gentleman and the bill now under consideration. He then replied to what had fallen from the Senator from Pennsylvania, [Mr. Dallas,] as to the course pursued in committee, and insisted that the protection secured by the bill, as it now stands, is more efficient than that which would have been obtained by the amendment of that Senator. He also stated that he had conversed with practical manufacturers, and had been satisfied that none of the great interests of the country would be sacrificed by this bill. In reference to the statements made by the Senator from Pennsylvania, relative to the ruin which this bill would bring on the establishments in Pennsylvania, he expressed his belief that as much injury would not result from this measure as would have resulted from the proposition made by the Senator from Pennsylvania. However Pennsylvania may have legislated at home, she had not, on this floor, shown that steady, inflexible determination not to surrender a particle of the principle of protection which was now manifested. He would not permit it to go forth to the world that he and his friends, who were about to record with pleasure, because it would give peace to the country, their names in favor of this bill, were about to yield any thing of the principle of protection. He regretted that he had occupied the Senate so long. He would not go through the clauses of the bill, which was printed. He trusted that his constituents would understand the motives which had induced him to vote for this bill. If he should find, at the expiration of the nine years, that there had been too much yielded of the interests of the manufacturers, he would willingly go with those friends with whom he had so long acted, in restoring things to their former condition.

Mr. **WEBSTER** said, in respect to what was surrendered by the bill, gentlemen had stated their own opinions. He stood before the country on the proposition that every thing which had been found valuable in the protective system was abandoned by the bill. True, there was a list of free articles in the bill, but the essential principles of the protective system were specific duties and discriminating duties, which the bill abandoned to destruction. He went before the country on the position that the only principles of a protective tariff, which in this or any other country had been found valuable, were not contained in this tariff. As to the pledge for the continuance of this system, he could not express his views of it more strongly than the gentleman from Kentucky had done. Every body, he said, would be disposed to repeat it. I cannot, said Mr. W., judge for others, but if I voted for the bill, I should feel myself bound to suffer it to go into complete operation. When we show the friends of the bill that it will destroy manufactures, they say, let posterity take care of itself. Every argument in favor of the bill results in this: Why not, they ask, let the year 1842 take care of itself? But do you not legislate for 1842 by this bill? It might be that the peace and quiet expected from this measure will follow from it, but he did not believe it. He believed that, next year, it would be found that the bill was impracticable, and could not be put in operation without further legislation; and that further, it would be found not to diminish the revenue at all. He might be mistaken, but this was his opinion. The gentlemen from New Jersey and Delaware had stated that, in the opinion of practical business men, the bill would not essentially injure the handicraft and some other interests. The opinion of half a dozen gentlemen, however respectable, could not be taken as the general sense of practical men; nor were practical men always the surest guides in legislation. When they are persuaded by their friends that this bill will give them eight years of secure protection, they are well satisfied, and look not further into the future. Under the apprehension of what mischief may be done by the next Congress, and under a disposition to send forth to the country a measure of peace, this bill has been pressed upon us: but it was our duty to see that this measure of peace leaves unimpaired our constitutional powers. The gentleman from New Jersey says that the handicraft trades will not suffer; but it is as demonstrable, in my opinion, as any thing can be, that this bill will ultimately destroy many of them. It will be worse for them, when the duty comes down to twenty per cent., than the free trade system. No great improvement is likely to be made in the manufacture of boots and hats, whereby they can be afforded much cheaper than at present. Nobody expects that, at the end of ten years, they will be any better or cheaper than at present. Take ready-made clothing: does any body suppose that it can be furnished so much cheaper at the end of ten years, as to render twenty per cent. an efficient protection? He did not mean to go into this question: he had only risen to state how far, in his opinion, this bill surrendered the principle of protection.

Mr. **FRELINGHUYSEN** said, the gentleman from Massachusetts had not dealt fairly with his argument. By the measure under consideration the country would be allowed time to take breath, and the harshness of the present opposition to the protective policy would be soothed. It was true that the interests of the manufacturers would be put to hazard in 1842, but the dangers which they would encounter then would be far less threatening than those which surround them now. If, at the end of eight or ten years, the South will not consent to the continuance of a moderate degree of protection, then we shall have before us the very issue which we now have. Will we have the tariff, or have the Union? His information as to the effect of the reduction upon the handicraftsmen in his State, he had received before he left home. He had submitted to them the question whether the tariff or the Union should be destroyed; and their reply was, that they loved the Union better than the tariff, and would cling to the Union at all hazards. Whenever it comes to that dreadful issue, said Mr. F., I take the Union.

Mr. **SILSBEE** remarked, that it had been his intention to give his views at length on this subject, but, at this late stage of the bill, he would forego that intention. He rose merely to reply to a remark of the gentleman from Delaware, that a duty of 20 per cent. on home valuation, and paid in cash, would be equal to a duty of 30 per cent. levied and paid in the usual manner. He was convinced that there was a wide difference, and he would explain it in a single word: Take an article which costs abroad $1. The home value, adding the duty of 20 per cent., is 120 cents. The duty on this home value will be 24 cents. The usual credits on duties are eight, ten, and twelve months: they average ten months. Taking the rate of interest at 5 per cent., the payment of duties in cash would add one per cent. to the duty, making the whole amount of duty 25 and not 30 per cent.

Mr. **CLAYTON** would not, he said, enter into an argument on this point. His object was to give the manufacturers an honest and fair 20 per cent., which he believed would be secured to them by the home valuation and cash payments.

Mr. **FORSYTH** said, one thing had been conclusively established by the discussion, that the bill was bad. It was taken by all not as good in itself, but as probably good in its effects. He voted for it with all its imperfections on its head, relying upon the declarations of those who ought to know that it would put an end to the distractions of South Carolina. He would have voted for it with pleasure, as somewhat better than the act of 1832, if the second section had been expunged; as it was, he did it reluctantly, confiding in the disposition of his fellow-citizens to bear without complaint their portion of the additional burdens of 144,000 dollars for the ensuing year, as their irritated neighbors were willing to endure yet a larger part.

The Senator from Massachusetts had repeated to-day a question he asked some days since: How could those who should vote for this bill attempt hereafter to modify or repeal it in the face of the pledges upon it? Mr. F. had no difficulty in giving a distinct and satisfactory answer to this inquiry. Those who voted for, were no more bound to regard the law (and it would be nothing more) as sacred, than those who voted against it. It was to be obeyed while it existed, but was changeable, like all other laws; the follies engrafted upon it to the contrary notwithstanding. The idea of pledges was every where given up. How far the circumstances under which it was passed gave firmness and endurance to its provisions was another affair: that was for the people to judge; for himself, he considered himself as totally uncommitted to endure it a single moment beyond the time it should be of public benefit. Had any scruple been felt on this point, it must have been removed by the declarations of the Senators from Kentucky [Mr. CLAY] and Delaware [Mr. CLAYTON.] They had openly anticipated a better and more effectual bill of protection within the nine years, founded on a looked for change of public opinion in the Western States. Mr. F. anticipated a further modification, if not a complete abandonment of the protective system, from a progressive and progressing change of public opinion in the Western, Middle, and Eastern States.

Mr. F. congratulated himself that a few days of reflection had shown that the suggestions he had thrown out when the Senator from Kentucky [Mr. CLAY] asked leave to introduce the bill, and for which he had been somewhat fiercely assailed from all quarters, were not entirely so unreasonable and anti-pacific as they had been denominated. The validity of the constitutional objection had been substantially conceded. The Senate, too, to save time, had waited for the bill from the House of Representatives; and it was now admitted that, to wait for the next Congress to settle this vexed question, would be a losing game to the manufacturers. The Senator from Kentucky says he saw the torch about to be applied to his favorite system, and he seeks to snatch it away. He did more: he demonstrated that it was in imminent peril. Mr. F. recommended to the Senator from Maine, [Mr. SPRAGUE,] who had rushed upon him with so much knightly fury for expressing this opinion some days since, to couch his lance and charge upon the Senator from Kentucky, whose crime was certainly the greater, as he has taken the trouble to prove what Mr. F. had only asserted.

The Senator from Massachusetts has spoken of the absurdities of the bill very truly; they are numerous and inevitable. Mr. F. had endeavored to remove them; not succeeding, he was contented to take them for the sake of peace, although certainly not a little surprised that they were deemed necessary or sufficient to secure peace. Had the reduction of duties in the time specified been alone insisted on, all would have been well; introducing the *pros* and *cons* necessarily begat confusion and contradiction. Fire and water united produce spoke; oil and vinegar shaken into a union produce air bubbles: directly opposite political or politico-economical opinions, acted upon in concert, produce absurdity. The moderate men of both parties have not united to arrange this question; they are not numerous enough at present to effect it. But the fire and sword opposers of the tariff have entered into negotiation with the plunderers of the South. The robbers and the robbees had made terms together. [Mr. F., in using this language, begged to be understood as speaking of the parties, not as he thought of them, but as they spoke of one another.] The question was, how much black mail was to be paid to the Caterans, and for how long, for a contingent promise of future immunity from their predatory inroads? Both parties must have ground to stand upon for defence of their respective adherents; hence the contradictions of the bill. In one point of view, it was all protection; protection, the right to plunder, admitted by the payment of security money falling as low as 20 per cent., and then to stand forever. In another, it was all free trade and sailors' rights: the revenue being to be reduced to the wants of an economical administration of the Government in 1842. Both sides admit that all this is to depend upon contingencies, over which we have no controlling power: but here is the basis for argument on both sides, and each may claim a triumph, and support the claim by quoting the bill as a compromise. Mr. F. did not think that either side could safely cry out with crooked back Richard—

> Now is the winter of our discontent
> Made glorious summer by the son of York;
> And all the clouds that lower'd upon our house
> In the deep bosom of the ocean buried.
> Now are our brows crowned with victorious wreaths.

But, if they could, the sound would be more pleasing to his ear than the trumpet call for one hundred bayonets to reduce the rebellious spirits of the South, or the war-cry of the gallant general to extract a promise from his inflamed auditors to follow him "to the death for his sugar." So far as his opinion was of any value, Mr. F. would not withhold it: he thought the highlanders had made the best of the bargain.

The Senator from South Carolina [Mr. CALHOUN] had introduced again the topic of the bill passed a few days since in the Senate, and now just passed in the House of Representatives—the bloody bill—the bill to repeal the constitution. Mr. F. regretted to hear that Senator introduce again this topic: he had been heard on it before, at large, with indulgence, and with all the attention due to his character and the peculiar position in which he stood. This ought to have satisfied him. It cannot have escaped the Senator's, observation, that, on this subject, he is struggling against public opinion. Mr. F. would not add any thing to what he had said when the bill was discussed; but there was one remark made by the Senator which was almost exclusively applicable to himself and his friend from Virginia, on the other side of the Chamber, [Mr. RIVES.] The Senator said, no one who valued his reputation for candor could deny that that bill was a violation of the constitution, if he admitted that the constitution was founded on compact. Now, Mr. F. said, we [Mr. RIVES and himself] admit that the constitution is founded on a compact between the people of the States, for themselves and for their States. We are the only persons expressing that opinion who have participated in the discussion, and voted for the bill.

[Mr. CALHOUN interposed and said, he hoped the Senator from Georgia would take his whole proposition, between the States as separate, independent communities, and still subsisting as independent communities united by compact.]

Mr. F. said, he did not understand the remark to have been so qualified. It was not important, however, to enter into the opinion in detail. He had expressed, and he now repeated his conviction, for which he claimed all the credit for sincerity due to that expressed by the gentleman from South Carolina, that the bill passed by the two Houses was constitutional and expedient. He knew well he was to be assailed on that ground, and was quite ready to meet the assault. Standing alone more than once before his constituents, he had never failed to receive a patient hearing, and never was or would be deserted by them while he was sustained by reason and justice. Mr.

F. heard with pleasure that the tariff was to be no longer discussed; that the bloody bill was to take its place as the battle-word in the next Southern campaign. The old subject was threadbare as a matter of dispute; a pretty quarrel enough, until it was spoiled by the late explanation. It was now time to look for something new, and the bill "to repeal the constitution" might serve for a term, until something better offered. Mr. F. rejoiced to hear that the contest was to be bloodless; there was to be no force. Paper bullets of the brain were to be substituted for musket balls; the cannons of the press for the cannon of the artillerist; steel pens for steel bayonets; and the cartouch-box was to be thrown aside forever, while we are to stick to what should never have been abandoned, the great panacea for all our political evils--the ballot box. With this change in the mode and material of war, the republic was safe. To the end of the contest Mr. F. looked with a confidence proportioned to his knowledge of the enlightened people who were to award the palm of victory.

Mr. F. could not refrain from addressing a few words to those of his Southern friends who were so censorious, during the past year, of his vote against the indefinite postponement of the bill of 1832. He was accused of abandoning his opposition to the principle of protection. He surrendered, they maintained this principle; and yet now, at this day, his honorable friends were about to vote with him for this bill, confessedly a bill of protection (protection its great and only end) for nine years. Admit the right to protect for an hour, and theoretically and practically it is admitting it forever. The amount of protective duty is also unimportant to the principle. A duty of twenty per cent., not for revenue but protection, is an abandonment of opposition to the principle as complete as a duty of one hundred. Mr. F. referred to this matter with no feeling of resentment to those who had differed with him, or of gratification at their changed position, but simply to satisfy those who were disposed to condemn him that they had not done him justice. They act now as he had acted then. They make the most of the circumstances of the hour; are willing to admit some evil, that greater evil may not fall upon us.

Mr. SPRAGUE replied to what had fallen from the last speaker, and expressed his regret that the gentleman from Georgia should make his speech run counter to his vote. He repeated what he had formerly said, that this was a concession from the strong to the weak; and argued that a change had taken place in consequence of the influence of the desire of concession, in the opinions of many who were opposed to any legislative action. If the spirit which ran through the speech of the Senator from Georgia was the prevailing spirit in the South, there would have been found in his part of the country a different spirit than that of concession.

Mr. HOLMES said he was astonished that any one should speak of consistency in his presence. Every thing he saw or heard convinced him that he was the only consistent man in the Senate. The Senator from Massachusetts threw charges of inconsistency against South Carolina, and the latter threw them back, and so on and so forth. He was bound to believe them all, as they were all honorable men, and consequently he was bound to believe that they were all inconsistent. He then went into an examination of what had been said, *pro* and *con*, on the subject of the pledge contained in the bill. In reference to the representative obligation, he was happy to be supported by his friend from Delaware, who had said that he did not view himself as the exclusive representative of Delaware. Now, he did not regard himself as the exclusive representative of his assumed constituents; and when he received some time since instructions from those who, like himself, were merely representatives of others, he thought them entitled to any thing rather than respect. He had answered them, and he believed they were since relysorry they had ever passed their resolutions; for what with his answer, and what with their disposition of it, they had managed to make themselves supremely ridiculous. He went on to state, that the Northern manufacturers would deem themselves sufficiently protected by this bill; and that the possibility was, that the next application for protection would be from the South. He then declared that all the legislative efforts which might be brought against the manufacturers would never be found able to put down Yankee industry and Yankee enterprise.

Mr. WRIGHT rose, he said, to give very concisely the views which he entertained in regard to this measure. His objections to it were strong, and, under any other than existing circumstances, would perhaps be insurmountable. He thought the reduction too slow for the first eight years, and vastly too rapid afterwards. Again, he objected to the inequality of the rule of reduction which had been adopted. It will be seen, at once, that on articles paying one hundred per cent. duty, the reduction is dangerously rapid. There was uniformity in the rule adopted by the bill, as regards its operation on existing laws. The first object of the bill was to effect a compromise between the conflicting views of the friends and the opponents of protection. It purports to extend relief to Southern interest; and yet it enhances the duty on one of the most material articles of Southern consumption--negro cloths. Again, while it increases this duty, it imposes no corresponding duty on the raw material from which the fabric is made.

Another objection arose from his mature conviction that the principle of home valuation was absurd, impracticable, and of very unequal operation. The reduction on some articles of prime necessity--iron, for example--was so great and so rapid, that he was perfectly satisfied that it would stop all further production before the expiration of eight years. The principle of discrimination was one of the points introduced into the discussion; and, as to this, he would say that the bill did not recognise, after a limited period, the power of Congress to afford protection by discriminating duties. It provides protection for a certain length of time, but does not ultimately recognise the principle of protection. The bill proposes ultimately to reduce all articles which pay duty to the same rate of duty. This principle of revenue was entirely unknown to our laws, and, in his opinion, was an unwarrantable innovation. Gentlemen advocating the principle and policy of free trade admit the power of Congress to lay and collect such duties as are necessary for the purposes of revenue; and to that extent they will incidentally afford protection to manufactures. He would, upon all occasions, contend that no more money should be raised from duties on imports than the Government needs; and this principle he wished now to state in plain terms. He adverted to the proceedings of the Free Trade Convention to show that, by a large majority, (120 to 7,) they recognised the constitutional power of Congress to afford incidental protection to domestic manufactures. They expressly agreed that the principle of discrimination was in consonance with the constitution.

Still another objection he had to the bill. It proposed on its face, and, as he thought, directly, to restrict the action of our successors. We had no power, he contended, to bind our successors. We might legislate prospectively, and a future Congress could stop the course of this prospective legislation. He had, however, no alternative but to vote for the bill, with all its defects, because it contained some provisions which the state of the country rendered indispensably necessary.

This brought him to the consideration of the reasons which would induce him to vote for the bill. Under what circumstances, Mr. President, are we called upon to vote for a bill thus imperfect? Is the occasion one of ordinary character, and one which can be lightly regarded? He might render himself obnoxious to the charge of legislating under the influence of fear. But are there not considerations of a proper nature which operate in favor of this measure? What are they? There is, in some parts of the country, a strong and deep expression of discontent at our legislation on the subject of the tariff. These discontents, it was not to be concealed, had risen to such a height as to threaten the peace of the country and the integrity of the Union. The hostile attitude assumed by a sister State towards the country had induced us to do what we are now bound to do, and a refusal to do which would have endangered the integrity of the Union. The blow was aimed at the fiscal resources of the country—at the purse, which was a troublesome thing to manage, though without it Government could not exist. The measure proposed would restore harmony to the country, and he believed it to be just and proper to yield much for the purpose of effecting this object. The time was come when the revenue should be reduced, even the revenue derived from protected articles. This single measure for effecting a reduction was presented to him for his acceptance or rejection; and, defective as it was in many respects, he would take it as a satisfactory concession to all that portion of the South which believed the existing laws to be unjust and oppressive.

It was unnecessary to say that the whole country was strongly impressed with the necessity of reducing the revenue gradually to the wants of the Government. It was the details of such a measure, it was the rule by which we should reach the proper standard, upon which members of this body and the people generally differed. If no better measure than that before us would be agreed upon, he should feel it to be his duty to support it. He had now given the reasons which would induce him to vote for the bill. The principal reason was, that a sister State of the Union was highly exasperated at the course of federal legislation, and was on the eve of having recourse to a desperate remedy for what she considered as her wrongs. Thinking this measure to be necessary for the peace of the country, all its defects sunk out of his sight.

Mr. BIBB stated, that he regarded the bill as a peace offering, so offered and so accepted, for the purpose of conciliation:

> "Now is the winter of our discontent
> Made glorious summer by the son of"—

Not of Old York, or New York, but a son of the Old Dominion—from the slashes of Hanover; he did not care by what hand it was offered, he would willingly take it. He made a few additional observations on the propriety of taking the bill in the spirit in which it was offered.

Mr. CLAY said a few words in reference to this bill and the enforcing bill, both of which he considered that it was necessary to send forth, as well to show that the laws must be executed, as that there was a disposition to make concessions. He stated, that on the subject of the Government being a compact, he principally agreed with the Senator from South Carolina, but with some difference as to the character of the rights conferred by that compact. He did not adopt the opinion that there had been any advance made in the usurpation of powers by the General Government. He then went into a view of the history of this system to show, that twelve or thirteen years ago there was no opposition raised against the power of Congress to protect domestic industry. The opposition, on constitutional grounds, had subsequently grown up. He then stated, that in his opinion no State could so practically construe the constitution as to nullify the laws of the United States, without plunging the country into all the miseries of anarchy. He said that he adhered to the doctrines of that ablest, wisest, and purest of American statesmen, James Madison, who still lives, and resides in Virginia—the doctrines which were advanced by him in 1799. The answer of that distinguished man to the resolutions of the other States, and his address to the people, effected a sudden revolution of public opinion. The people rallied around him; the alien and sedition laws were repealed; and the usurpations of the General Government were arrested. He viewed the Government as federative in its origin, in its character, and in its operation; and under the clause of the constitution which gives it to Congress to pass all laws to carry into effect the granted powers, they could pass all necessary laws. He hoped that the effect of this bill would conciliate all classes and all sections of the Union.

He did not arrogate any merit for the passage of this bill. He had cherished this system, as a favorite child, and he still clung to it, and should still cling to it. Why had he been reproached? He had come to the child and found it in the hands of the Philistines, who were desirous to destroy it. He wished to save and cherish it, and to find for it better and safer nurses. He did not wish to employ the sword, but to effect his object by concession and conciliation. He wished to see the system placed on a securer basis, to plant it in the bosoms and affections of the people. The gentleman from Pennsylvania, who had learned his views of the system from the Senator from South Carolina, had spoken of him as the pilot who was directing the vessel. If it were so, he would ask if she had been secured by a faithful crew? If all had been faithful, he believed there would have been no danger now assailing the system. He assailed no one; he merely defended himself against the reproaches of others.

Another motive with him was to preserve the Union. He feared he saw hands uplifted to destroy the system; he saw the Union endangered; and, in spite of all peril which might assail himself, he had determined to stand forward and attempt the rescue.

He felt himself pained exceedingly in being obliged to separate on the question from valued friends, especially from his friend from Massachusetts, whom he had always respected, and whom he still respected. He then replied to the argument founded on the idea that the protective principle had been abandoned by this bill. He admitted that protection had been better secured by former bills, but there was no surrender by this. He considered revenue as the first object, and protection as the second. As to the reduction of the revenue, he was of opinion that there was an error in the calculations of gentlemen. He thought that in the article of silks alone there would be a considerable reduction. The protection to the mechanic arts was only reduced, by the whole operation of the bill, to twenty-six per cent.; and he did not know that there would be any just ground for complaint, as some of the mechanic arts now enjoy only twenty-five per cent.

The argument of the Senator from New York was against the bill, but he was happy to find his vote was to be for it. If his argument brought other minds to the same conclusion to which it had brought his, the bill would not be in any danger. He would say, save the country—save the Union—and save the American system.

After a few words from Mr. WRIGHT, in which the latter said he had so much confidence in the people as to believe there would not be a worse Congress than this,

Mr. CLAY made a short rejoinder, in which he reminded the gentleman from New York of the words of a much greater man than any member of Congress: "Confidence is a plant of slow growth," which may be accelerated or retarded by circumstances. The gentleman should not outdo him in prepossessions of confidence in the people.

The question was then taken on the passage of the bill, and decided as follows:

YEAS.—Messrs. Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hill, Holmes, Johnston, King, Mangum, Miller, Moore, Naudain, Poindexter, Rives, Robinson, Sprague, Tomlinson, Tyler, Waggaman, White, Wright —29.

NAYS.—Messrs. Benton, Buckner, Dallas, Dickerson, Dudley, Hendricks, Knight, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Tipton, Webster, Wilkins—16.

So the bill was finally passed.

The Senate then took a recess of an hour and a half, until a quarter past seven o'clock.

On re-assembling in the evening, and after disposing of much other business, the Senate took up the amendment made by the House of Representatives to the bill authorizing the distribution of the proceeds of the

PUBLIC LANDS.

Mr. CLAY said that, although the objects to which these proceeds were to be applied were a favorite point with him, yet as he had found that he was differing on this topic with some of his friends, and as it had been suggested that there might be difficulty in another quarter if the words struck out by the House were retained, he would move to concur in the amendment.

Mr. ROBINSON expressed a hope that the question would not be pressed at this late hour, in so thin a Senate, when many were absent who are so much interested in the measure. He hoped that the question would not be taken, except in a full Senate.

Mr. CLAY expressed his regret that, at this late period of the session, the Senator from Illinois should wish for delay, which might endanger the passage of the bill. It was not the fault of the members present that there are so many absentees.

Mr. C. wished to take the question to-night, in order that the Executive might have time to act upon the bill.

Mr. CHAMBERS said he should vote against the amendment. He would rather vote against the bill than take it with the amendment.

The question was then taken on the motion to concur, and decided as follows:

YEAS.—Messrs. Bell, Black, Buckner, Clay, Clayton, Dudley, Ewing, Foot, Hendricks, Holmes, King, Mangum, Moore, Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tomlinson, Tyler, White—23.

NAYS.—Messrs. Bibb, Chambers, Grundy, Robinson, Tipton—5.

So the amendment was concurred in.

And at 11 o'clock the Senate adjourned.

SATURDAY, MARCH 2.

ADDITIONAL PENSION AGENCY.

On motion of Mr. KING, the Senate proceeded to the consideration of the bill authorizing the establishment of a Pension Agency at Decatur, in the State of Alabama.

Mr. MOORE moved to amend the bill, so as to read "one pension agency in the northern part of the State of Alabama," &c.

Mr. CHAMBERS objected to the bill, which he regarded as an effort to remove the public funds from the United States Bank. As the charter of the bank will expire in two years, it was scarcely worth while, for that short period, to make the change.

Mr. KING disclaimed any intention to charge against the United States Bank that it was not competent to perform its obligations to pay the pensioners. The object of the friends of the bill was to enable the pensioners in Alabama to obtain their pensions without being put to the expense, inconvenience, and delay, which are consequent on a journey to the place where the moneys are deposited.

Mr. SPRAGUE opposed the bill. He warned the Senate against returning to the practice of investing the public funds in local banks, by which the Government had already sustained heavy losses. The system established had been found convenient, easy, and secure; and there was no reason for departing from it. If this bill passed, Maine would have an equal right to come to Congress for a similar agency.

Mr. EWING moved to lay the bill and amendment on the table, which motion was decided in the affirmative—Yeas 20, nays 17.

So the bill was laid on the table.

EXPLANATION.

In the course of the day, after a great number of bills had been passed through different stages,

Mr. CLAY rose, and said that an incident had occurred a few days ago which gave him very great pain, and he was quite sure that in that feeling the whole Senate participated. I allude, said Mr. C., to some of the observations made by the honorable Senator from Mississippi, and the honorable Senator from Massachusetts near me, with reference to an important bill then pending. I was persuaded, at the time those remarks were made, that they were the result of mutual misconception, and were to be attributed solely to that zeal which each of those honorable Senators felt in the position in which they stood towards each other—the one to carry, the other to defeat the measure; with respect to which my friend from Mississippi and myself unfortunately took different views.

The concluding observations of the Senator from Mississippi, after having delivered a very able and argumentative speech, one which I need not say to him and the Senate embodied all which could be brought to bear on his side of the question, and made me regret that we had lost the benefit of his ability—in concluding his remarks, it did appear to some members of the Senate, and to myself, and I have no doubt that it was so felt by the honorable Senator from Massachusetts, that there was something personal and peculiarly harsh in his language. Acting on that supposition, the honorable Senator from Massachusetts, in the course of his observations, also used language which may have seemed to be unnecessarily harsh; but in the sense which I understood the remarks of the honorable Senator from Mississippi, the Senator from Massachusetts might have found some justification.

I can perfectly well conceive, however, that the Senator from Mississippi was influenced in his course by nothing beyond the ardor of the momentary excitement to which he had yielded himself. I know the respect which he bears, has borne at least, and I am sure yet bears, to the Senator from Massachusetts, the personal and friendly intercourse which has always existed between them, and the respect which they bear to each other; and I am perfectly persuaded that the honorable Senator from Mississippi, in the remarks with which he concluded his speech, referred solely to the public course--the public measures of the honorable Senator from Massachusetts, and the character of the particular measure under consideration, without intending to reflect on the personal character of the gentleman from Massachusetts. And I am sure it was not the purpose of the honorable Senator from Massachusetts to give any personal bearing to observations which he felt called upon to make. Under these circumstances, I should feel, and I am sure the Senate would also feel, great pain if these two gentlemen, who have been for so long a time on a footing of friendship, should be separated by any circumstance attributable to hostile feeling; or, rather, to the misunderstanding which has arisen. I am sure that the Senate, as well as myself, would be glad that these two gentlemen should still pursue their friendly feelings to each other; and I hope such an explanation will be given as will produce a reconciliation between the two gentlemen, who have so frequently acted in concert together on important subjects, and who entertain towards each other the highest respect. And I do hope that, in some way or other, means will be found to remove this momentary interruption of the good feeling which had so long existed between these gentlemen, and that nothing will occur to disturb, among the members of the Senate, that harmony and peace, which I trust will prevail among all the members of this body.

Mr. POINDEXTER rose and said, that the circumstance which the honorable Senator from Kentucky had alluded to, as having passed between him and the honorable Senator from Massachusetts, was to him a source of regret. The measure under consideration at the time was one to which he was strongly opposed, and against which he entered his solemn protest. The honorable Senator from Massachusetts had advocated that measure with his usual zeal and ability. In the course of his remarks he alluded to the course of the South in opposition to the American system, and charged upon the citizens of that section of the Union in general, and more particularly on South Carolina, acts which amount to treason and rebellion, and a disposition to rupture our happy Union, and to burn the constitution at the point of the bayonet. Coming, sir, from that quarter of the Union, I felt it to be my duty to vindicate it from those aspersions, and to throw back to the honorable Senator, as far as I could, a Roland for his Oliver. Believing that the South was right in the position which it has assumed, I felt authorized to allude to the past history of the country, and to the political conduct of the honorable gentleman himself, in illustration of my argument. Perhaps, in the ardor of my feeling, I went too far; and, if so, I deeply regret it. For it was far from my purpose to violate the decorum of debate which has ever characterized this body, or to express myself with harshness towards the honorable Senator from Massachusetts. He well knows the respect and kindness which I bear for him; and I assure him that I had no intention to reflect either upon his personal character, or the purity of his political motives. Having said this, I trust I have put myself "*rectus in curia*" on this subject. It was assuredly far from my intention to trespass on the feelings of the honorable member from Massachusetts.

Mr. WEBSTER. It is not more a matter of regret to the honorable Senator from Mississippi, than to myself, that any misunderstanding should have occurred between us. Since our acquaintance in this body, we have been on a footing of kindness and courtesy, and there is no gentleman in the Senate towards whom I have been less inclined to manifest any warmth, which might be attributed to want of decorum. I certainly thought that the last portion of the honorable Senator's remarks had a very strong personal bearing on myself. I certainly thought they were intended to have that effect. I am very happy to hear the honorable gentleman disavow that he intended to give them such a bearing. I respond entirely to the declaration that there has been between us, always, kindness and a good understanding. There are incidents connected with our relative situations towards each other which would make it extremely unpleasant that any thing should occur which can disturb the good understanding which ought to exist between honorable members. I therefore entirely disavow any intention to offer any personal disrespect towards him, in my answer to the remarks which he made towards me.

Mr. POINDEXTER then rose and said, the disclaimer made by the gentleman from Massachusetts calls for further explanation from me. In reply to what I deemed a personal affront towards myself, from the honorable Senator, I used expressions, which, if such was not intended, might appear harsh, and a violation of the respect which ought to be preserved between members of this honorable body. Finding, from the explanation which has been given by the honorable Senator, that his purpose was not to offer me any personal insult, or to wound my sensibility as an individual, I take this occasion, voluntarily, and with great pleasure, to retract the offensive expressions, hastily used, under the impulse of the moment; and I tender my hand to the honorable Senator with perfect freedom and cordiality.

At three o'clock the Senate took a recess until five o'clock.

EVENING SESSION.

At six o'clock the Senate met; when the bill for the relief of Samuel Hall was considered, and ordered to a third reading. The bill was then read a third time and passed.

On motion of Mr. DUDLEY, the Senate then proceeded to the consideration of executive business.

When the doors were re-opened, Mr. CLAY was found speaking. He was engaged in expressing his approbation of the conduct of the President *pro tempore* of this body. The present, he said, had been a very arduous session. He should not have voted for the present presiding officer, had he been present when he was elected; nor did he mean to say what would be his vote, if the election were now to be made. But he gave with great pleasure his testimony in favor of the faithful, and able, and impartial manner in which that officer had performed his duty. He concluded with asking leave to present the following resolution:

Resolved, That the thanks of the Senate be presented to the honorable Hugh L. White, for the dignity, ability, and impartiality, with which he has discharged the duties of President *pro tempore* of the Senate.

The resolution was unanimously adopted.

Late in the course of the evening,

Mr. POINDEXTER moved that when the Senate adjourn, it adjourn to meet at ten o'clock to-morrow; and asked for the yeas and nays, which were taken as follows:

YEAS.—Messrs. Bibb, Black, Buckner, Clay, Dickerson, Holmes, Johnson, Moore, Poindexter, Robbins, Tyler, Waggaman.—12.

NAYS.—Messrs. Benton, Chambers, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Hill, Kane, Knight, Naudain, Robinson, Ruggles, Seymour, Sprague, Tipton, Tomlinson, Webster, Wilkins, Wright, White.—23.

In the course of the evening, a bill from the House of Representatives for making appropriations for building light-houses, &c., was read a first time; and on the question that it be now read a second time,

Mr. GRUNDY objected; and the motion requiring, by rule, the unanimous consent of the Senate, the bill was, of course, rejected.

The Senate then spent about three hours in the consideration of executive business; after which, several attempts were made to induce the Senate to take up the bill for the relief of the heirs of Matthew Lyon; but the Senate refused to consider it.

About half-past four o'clock, A. M., a committee on the part of the Senate was appointed to join such committee as the House might appoint, to wait on the President, and inform him that the two Houses were ready to adjourn.

The House having appointed a committee, the joint committee waited on the President, and returned with an answer that he had no further communication to make; whereupon,

Mr. KING moved that the Senate adjourn.

Mr. WHITE (President *pro tempore*) then rose and addressed the Senate, as follows:

Before the presiding officer leaves the chair, he is desirous of saying a few words.

We met under circumstances calculated to induce us to believe that matters of high excitement would arise during our sojourn here. It was by the will of the majority of this body that I was placed in this chair, to preside over your deliberations. I looked upon the high honor thus conferred to be but temporary; for could I then have foreseen that I was to act in this capacity until now, most certainly my distrust of my experience would have induced me to shrink from undertaking the task. The duties of the Chair are at all times arduous, but the more particularly so when topics of high interest and importance are under discussion. My experience, however, has convinced me that even under these circumstances, the presiding officer may have a pleasant task to perform, when every member submits himself to be guided by the rules of this body, instead of having a law for himself.

I take pleasure in stating, that during the whole course of the session, no act has been done by any one member, and no single expression has reached my ear, calculated to give pain to the presiding officer. If, in the discharge of the duties confided to me, I have had the misfortune to injure or to wound the feelings of any individual, I trust he will do me the justice to believe that it has happened without any intention on my part. I have endeavored to act impartially towards every member of this body; and, I would have them to bear in mind, that if, during the arduous duties I have had to perform, and amidst all the excitements that have existed, any thing like order has been preserved, it must be attributed more to the kindness and courtesy of Senators towards the presiding officer, than to the capacity which he was able to bring to the duties assigned him. It is not probable, in the course of human events, that we can all ever assemble in this chamber again. I shall, after putting the question, take a farewell of all who are here present; and I feel regret that I cannot exchange good wishes with those who are absent; hoping that it may be our good fortune all to meet again.

The President then put the question on adjournment, which was carried, *nemine dissentiente;* and

The Senate, at five o'clock, A. M., adjourned *sine die.*

DEBATES
IN
THE HOUSE OF REPRESENTATIVES.

LIST OF MEMBERS

Composing the House of Representatives the present session.

MAINE—John Anderson, James Bates, George Evans, Cornelius Holland, Leonard Jarvis, Edward Kavanagh, Rufus McIntire—7.

NEW HAMPSHIRE—John Brodhead, Thomas Chandler, Joseph Hammons, Henry Hubbard, Joseph M. Harper, John W. Weeks—6.

MASSACHUSETTS—John Quincy Adams, Nathan Appleton, Isaac C. Bates, George N. Briggs, Rufus Choate, H. A. S. Dearborn, John Davis, Edward Everett, George Grennell, jr., Joseph G. Kendall, John Reed, James L. Hodges, Jeremiah Nelson—13.

RHODE ISLAND—Tristam Burges, Dutee J. Pearce—2.

CONNECTICUT—Noyes Barber, William W. Ellsworth, Jabez W. Huntington, Ralph I. Ingersoll, William L. Storrs, Ebenezer Young—6.

VERMONT—Heman Allen, William Cahoon, Horace Everett, William Slade, Hiland Hall—5.

NEW YORK—William G. Angel, Gamaliel H. Barstow, William Babcock, Joseph Bouck, John T. Bergen, John C. Brodhead, Samuel Beardsley, John A. Collier, Bates Cooke, Churchill C. Cambreleng, John Dickson, Charles Dayan, Ulysses F. Doubleday, William Hogan, Michael Hoffman, Freeborn G. Jewett, John King, Gerrit Y. Lansing, James Lent, Job Pierson, Nathaniel Pitcher, E. H. Pendleton, Edward C. Reed, Erastus Root, Nathan Soule, John W. Taylor, Phineas L. Tracy, Gulian C. Verplanck, Frederick Whittlesey, Samuel J. Wilkin, G. H. Wheeler, Campbell P. White, Aaron Ward, Daniel Wardwell—34.

NEW JERSEY—Lewis Condict, Silas Condit, Richard M. Cooper, Thomas H. Hughes, James F. Randolph, Isaac Southard—6.

PENNSYLVANIA—Robert Allison, John Banks, George Burd, John C. Bucher, Thomas H. Crawford, Richard Coulter, Harmer Denny, Lewis Dewart, Joshua Evans, James Ford, John Gilmore, William Heister, Henry Horn, Peter Ihrie, Jr., Adam King, Henry King, Joel K. Mann, Henry A. Muhlenberg, T. M. M'Kennan, Robert McCoy, David Potts, Jun., Andrew Stewart, Samuel A. Smith, Philander Stephens, Joel B. Sutherland, John G. Watmough—26.

DELAWARE—John J. Milligan—1.

MARYLAND—Benjamin C. Howard, Daniel Jenifer, John L. Kerr, Benedict I. Semmes, Charles S. Sewall, John S. Spence, Francis Thomas, George C. Washington, J. T. H. Worthington—9.

VIRGINIA—Mark Alexander, Robert Allen, William S. Archer, William Armstrong, John S. Barbour, Thomas T. Bouldin, Nathaniel H. Claiborne, Robert Craig, Joseph W. Chinn, Richard Coke, Jun., Thomas Davenport, Joseph Draper, William F. Gordon, John Y. Mason, Lewis Maxwell, Charles Fenton Mercer, William McCoy, Thomas Newton, John M. Patton, John J. Roane, Andrew Stevenson, Joseph Johnson—22.

NORTH CAROLINA—Daniel L. Barringer, Laughlin Bethune, John Branch, Samuel P. Carson, Henry W. Conner, Thomas H. Hall, M. T. Hawkins, James McKay, Abraham Rencher, William B. Shepard, A. H. Shepperd, Jesse Speight, Lewis Williams—13.

SOUTH CAROLINA—Robert W. Barnwell, James Blair, Warren R. Davis, William Drayton, John M. Felder, John R. Griffin, Thomas R. Mitchel, George McDuffie, Wm. T. Nuckolls—9.

GEORGIA—Augustine S. Clayton, Thomas F. Foster, Henry G. Lamar, Daniel Newnan, Wiley Thomson, Richard H. Wilde, James M. Wayne—7.

KENTUCKY—John Adair, Chilton Allan, Henry Daniel, Nathan Gaither, Albert G. Hawes, Richard M. Johnson, Joseph Lecompte, Robert P. Letcher, Chittenden Lyon, Thomas A. Marshall, Christopher Tompkins, Charles A. Wickliffe—12.

TENNESSEE—Thomas D. Arnold, John Bell, John Blair, William Fitzgerald, William Hall, Jacob C. Isacks, Cave Johnson, James K. Polk, James Standifer—9.

OHIO—Joseph H. Crane, Elutheros Cooke, William Creighton, Jun., Thomas Corwin, James Findlay, William W. Irvin, William Kennon, Humphrey H. Leavitt, William Russell, William Stanbery, John Thompson, Joseph Vance, Samuel F. Vinton, Elisha Whittlesey—14.

LOUISIANA—Henry A. Bullard, Philemon Thomas, Edward D. White—3.

INDIANA—Ratliff Boon, John Carr, Jonathan McCarty—3.

MISSISSIPPI—Franklin E. Plummer—1.

ILLINOIS—Joseph Duncan—1.

ALABAMA—Clement C. Clay, Dixon H. Lewis, Samuel W. Mardis—3.

MISSOURI—William H. Ashley—1.

DELEGATES.

MICHIGAN TERRITORY—Austin E. Wing.
ARKANSAS TERRITORY—Ambrose H. Sevier.
FLORIDA TERRITORY—Joseph M. White.

MONDAY, DECEMBER 3, 1832.

At 12 o'clock Mr. Speaker STEVENSON took the chair, and called the House to order.

The Clerk having called over the roll, one hundred and sixty-five members answered to their names; which being a quorum, a message was ordered to be sent to the Senate announcing that the House of Representatives was organized, and ready to proceed to business.

DEATH OF MR. DODDRIDGE.

Mr. MERCER rose and observed, that it was his melancholy duty to announce to the House the decease of his lamented colleague, the honorable PHILIP DODDRIDGE, and to offer a resolution, assuring the friends of the deceased, and the country at large, of the sense entertained by this House of the loss it had sustained. In performing this duty, Mr. M. said, that were he to indulge the feeling he possessed of the merits of his departed friend, he should find himself speedily arrested. In intellectual power, that friend had been surpassed by few in this or any other country; in integrity of motive, he was excelled by none; and in simplicity of heart, by no man he had ever known. Mr. M. then offered the following resolution:

Resolved, unanimously, That the members of the House of Representatives, from a sincere desire of showing every mark of respect due to the memory of Philip Doddridge, late a member thereof from the State of Virginia, will go in mourning by the usual mode of wearing crape round the left arm for one month.

The resolution was agreed to.

On motion of Mr. WHITTLESEY, of Ohio, a resolution was adopted fixing the time of meeting of the House at 12 o'clock, M., until otherwise ordered.

After the usual orders for a joint committee to wait on the President, and to furnish the members with newspapers,

The House adjourned.

Tuesday, December 4.

On motion of Mr. TAYLOR, it was ordered that two chaplains, of different denominations, be appointed for the session; one by each House.

On motion of Mr. WICKLIFFE, it was ordered that the House proceed on Thursday next to the election of a Sergeant-at-arms, in the place of John O. Dunn, resigned.

A message was then announced from the President of the United States; and Mr. Donelson, his private secretary, delivered to the Chair the message of the President to the two Houses of Congress at the opening of their session. [See Appendix.]

The message was read, referred to the Committee of the Whole House on the state of the Union, and 10,000 copies ordered to be printed.

Adjourned.

Wednesday, December 5.

The House met, and adjourned to-day without transacting any business.

Thursday, December 6.

On motion of Mr. TAYLOR, of New York, it was

Ordered, That the standing committees of the House be now appointed.

VETO OF THE HARBO

The following message was received from the President of the United States, by Mr. Donelson, his private secretary:

To the House of Representatives:

In addition to the general views I have heretofore expressed to Congress on the subject of internal improvement, it is my duty to advert to it again in stating my objections to the bill entitled "An act for the improvement of certain harbors, and the navigation of certain rivers," which was not received a sufficient time before the close of the last session to enable me to examine it before the adjournment.

Having maturely considered that bill within the time allowed me by the constitution, and being convinced that some of its provisions conflict with the rule adopted for my guide on this subject of legislation, I have been compelled to withhold from it my signature; and it has, therefore, failed to become a law.

To facilitate as far as I can the intelligent action of Congress upon the subjects embraced in this bill, I transmit, herewith, a report from the Engineer Department, distinguishing, as far as the information in its possession would enable it, between those appropriations which do, and those which do not, conflict with the rules by which my conduct in this respect has hitherto been governed. By that report it will be seen that there is a class of appropriations in the bill for the improvement of streams, that are not navigable, that are not channels of commerce, and that do not pertain to the harbors or ports of entry designated by any law, or have any ascertained connexion with the usual establishments for the security of commerce, external or internal.

It is obvious that such appropriations involve the sanction of a principle that concedes to the General Government an unlimited power over the subject of internal improvements; and that I could not, therefore, approve a bill containing them, without receding from the positions taken in my veto of the Maysville road bill, and, afterwards, in my annual message of December 7, 1830.

It is to be regretted that the rules by which this classification of the improvements in this bill has been made by the Engineer Department are not more definite and certain, and that embarrassment may not always be avoided by the observance of them; but, as neither my own reflection, nor the lights derived from other sources, have furnished me with a better guide, I shall continue to apply my best exertions to their application and enforcement. In thus employing my best faculties to exercise the powers with which I am invested, to avoid evils, and to effect the greatest attainable good for our common country, I feel that I may trust to your cordial co-operation; and the experience of the past leaves me no room to doubt the liberal indulgence and favorable consideration of those for whom we act.

The grounds upon which I have given my assent to appropriations for the construction of light-houses, beacons, buoys, public piers, and the removal of sand-bars, sawyers, and other temporary or partial impediments in our navigable rivers and harbors, and with which many of the provisions of this bill correspond, have been so fully stated, that I trust a repetition of them is unnecessary. Had there been incorporated in the bill no provisions for works of a different description, depending on principles which extend the power of making appropriations to every object which the discretion of the Government may select, and losing sight of the distinctions between national and local character, which I had stated would be my future guide on the subject, I should have cheerfully signed the bill.

ANDREW JACKSON.

Dec. 6.

Mr. TAYLOR moved that the communication be laid on the table, and printed; but withdrew his motion at the request of

Mr. WICKLIFFE, who moved its reference to the Committee on Internal Improvement; which was agreed to.

Mr. CLAY, of Alabama, subsequently moved to reconsider the above vote, on the ground that the question had not been understood by all the House.

After some conversation between him and Mr. WICKLIFFE, he agreed to postpone the consideration of his motion for re-consideration until to-morrow.

The annual report from the Treasury Department on the finances of the Government was received, and, on motion of Mr. POLK, 10,000 additional copies of it were ordered to be printed.

Reports were also received from the Treasury and Navy Departments, and from the Treasurer of the United States; which were laid on the table, and ordered to be printed.

Mr. EVERETT offered the following resolution, which lies on the table one day:

Resolved, That the President of the United States be requested to communicate to this House, as far as the public service will permit, such portions as have not heretofore been communicated, of the instructions given to our ministers in France on the subject of claims for spoliations, and of the correspondence of said ministers with the French Government, and with the Secretary of State of the United States on the same subject.

The hour appointed for proceeding to the election of a Sergeant-at-arms, having arrived, the House proceeded to the ballot: when, no fewer than twenty-six candidates were nominated for the office. After three unsuccessful ballotings, the result on the fourth ballot stood as follows:

For William J. McCormick	35
William B. Robinson	29
William A. Gordon	25
Jonathan Nye	25
Thomas B. Randolph	25

And many scattering votes.

The House then adjourned to Monday next.

Monday, December 10.

The following committees were announced to have been appointed by the Speaker in pursuance of the order of the House of Thursday last:

On Elections.—Messrs. Claiborne, Randolph, Holland, Griffin, Bethune, Collier, and Arnold.

On Ways and Means.—Messrs. Verplanck, Ingersoll, Gilmore, Alexander, Wilde, Gaither, and Polk.

On Claims.—Messrs. Whittlesey, Barber, McIntire, Ihrie, Rencher, Dayan, and Grennell.

On Commerce.—Messrs. Cambreleng, Howard, Sutherland, Newton, Davis, of Massachusetts, Jarvis, and Harper.

On Public Lands.—Messrs. Wickliffe, Duncan, Clay, Irvin, Boon, Plummer, and Mason.

On the Post Office and Post Roads.—Messrs. Conner, Russell, Pearce, Hammons, Kavanagh, Doubleday, and Roane.

On the District of Columbia.—Messrs. Washington, Semmes, Armstrong, Chinn, Jenifer, Wm. B. Shepard, and McKennan.

On the Judiciary.—Messrs. Bell, Ellsworth, Daniel, Foster, Gordon, Beardsley, and Coulter.

On Revolutionary Claims.—Messrs. Muhlenburg, Nuckolls, Crane, Bates, of Massachusetts, Standifer, Marshall, and Newnan.

On Public Expenditures.—Messrs. Hall, of North Carolina, Davenport, Lyon, Thomson, of Ohio, Pierson, Henry King, and Briggs.

On Private Land Claims.—Messrs. Johnson, of Tennessee, Coke, Stanbery, Mardis, Carr, Bullard, and Ashley.

On Manufactures.—Messrs. Adams, Hoffman, Lewis Condict, Findlay, Horn, Worthington, and Barbour, of Virginia.

On Agriculture.—Messrs. Root, McCoy, of Virginia, Smith, of Pennsylvania, Chandler, Wheeler, McCoy, of Pennsylvania, and Tompkins.

On Indian Affairs.—Messrs. Lewis, Thompson, of Georgia, Angel, Storrs, Lecompte, Kennon, and Hawkins.

On Military Affairs.—Messrs. Johnson, of Kentucky, Vance, Blair, of South Carolina, Speight, Adair, Ward, and Thomas, of Louisiana.

On Naval Affairs.—Messrs. Anderson, White, of New York, Milligan, Watmough, Patton, Dearborn, Lansing.

On Foreign Affairs.—Messrs. Archer, Everett, of Massachusetts, Taylor, Crawford, Barnwell, Wayne, and Thomas, of Maryland.

On Territories.—Messrs. Kerr, Creighton, Williams, Huntington, Allan, of Kentucky, Potts, and John King.

On Revolutionary Pensions.—Messrs. Hubbard, Isacks, Denny, Pendleton, Bucher, Soule, and Choate.

On Invalid Pensions.—Messrs. Burges, Ford, Evans, of Maine, Reed, of New York, Dewart, Slade, and Southard.

On Roads and Canals.—Messrs. Mercer, Blair, of Tennessee, Letcher, Vinton, Craig, Leavitt, and Jewett.

On Revisal and Unfinished Business.—Messrs. Reed, of Massachusetts, Bouck, and Silas Condit.

On Accounts.—Messrs. Bergen, Burd, and Hodges.

Mr. WICKLIFFE moved the following resolution, which, under the rule, lies on the table one day, viz:

Resolved, That the Secretary of the Treasury be instructed to communicate to this House the report of the person or agent employed by him to make an inquiry into the solvency of the Bank of the United States, with a view of enabling the department to determine whether the Bank of the United States be a safe depository for the public revenue.

ELECTION OF SERGEANT-AT-ARMS.

The House then again proceeded to ballot for a Sergeant-at-arms, to supply the vacancy in that office occasioned by the resignation of John Oswald Dunn; and, on the ninth ballot, (four were taken on Thursday last,) Thomas B. Randolph, of Virginia, was elected.

PRESIDENT'S MESSAGE.

The House then, on motion of Mr. SPEIGHT, went into Committee of the Whole on the state of the Union, Mr. J. W. TAYLOR in the chair, and proceeded to consider the message of the President of the United States; the reading of the message having been dispensed with,

Mr. SPEIGHT submitted a number of resolutions for distributing the message to various committees.

The resolutions were generally agreed to *nem. con.* But, when

The third resolution, proposing a reference of that part of the message which recommends a sale of the stocks belonging to Government in incorporated companies had been passed by,

Mr. MERCER, of Virginia, said he rose to take the sense of the committee in reference to the last subject which had been referred to the Committee of Ways and Means, viz: the relation sustained by the Government towards those canal companies whose stock it held. It would be remembered by the House, that all the bills providing for a subscription of stock in such companies, had originated in the Committee on Internal Improvements more familiarly known as the Committee on Roads and Canals. In furtherance of his object in rising, he should now move to strike out the whole of the resolution; and should that motion fail, he would then move to amend the resolution by substituting the Committee on Internal Improvement for the Committee of Ways and Means.

Mr. SPEIGHT hoped that the amendment would not be agreed to. It must be obvious, from the reading of the message, that the President was of opinion that, on this subject, a new policy ought to be adopted. It was, indeed, true, that all the bills for a subscription of stock in companies of the kind indicated, had originally been proposed by the Committee on Roads and Canals. It was known to be the favorite scheme of the gentleman's ingenuity, and for that very reason there would be a manifest impropriety in referring this part of the message to that committee. They had prejudged the subject. Besides, the subject itself was appropriate to the Committee of Ways and Means, which had charge of the revenue, and who would, of course, recommend in what way this part of the revenue should be transferred. Believing that it was time that the policy of the country was changed, Mr. S. has been induced to draw up the resolution. If the object of the gentleman from Virginia was to smother it, and to prevent its being fairly treated, and if the House agreed with him in sentiment, they would vote for the gentleman's amendment. For himself, it was his desire to meet the gentleman openly upon that floor. He should fight him fairly. And if the gentleman could convince him that the policy at present pursued ought to remain as the policy of this country, he should then submit, but not otherwise.

Mr. **INGERSOLL**, of Connecticut, said he would agree in part with the gentleman from Virginia, but could not go to the extent of the amendment. It was very true that, so far as stock in canal companies was concerned, the bills had originated in the gentleman's committee, but a majority of the stock held by the United States was not of that description, it was stock in the Bank of the United States. Of this kind of stock the Government held to the amount of 7,000,000, but of canal stock only about 2,000,000. There was, therefore, a manifest impropriety in sending the whole subject to the Committee on Roads and Canals; and he hoped, therefore, that the gentleman would modify his amendment so as to send the subject of canal stock to the Canal Committee, and leave the rest to the Committee of Ways and Means.

Mr. **MERCER** replied, that, if the amendment he had offered erred in point of analysis, it was owing to the fact that the President, in his message, had not intimated any impolicy in the subscription of stock in the Bank of the United States. If stock of that description was indeed included, it had not only escaped Mr. M's. notice, but that of the more powerful and sagacious mind of the gentleman from North Carolina, [Mr. Speight.] However, to avoid all confusion or mistake, he would amend his amendment as suggested. The gentleman from North Carolina had spoken of the proposed measure as simply a financial arrangement, and had argued that, on that account, it ought to go to the Financial Committee. If it was a mere question as to the supply of funds, such a reference would no doubt be proper; but it was a question as to the policy or impolicy of promoting works of internal improvement by a subscription of stock. This certainly was a question which belonged to the Committee on Internal Improvement. The present committee could not be considered as having prejudged the question of such a policy, because the policy had existed antecedent to the appointment of the committee, and even before the existence of the present Congress. The gentleman seemed apprehensive that, if the subject were referred to the Committee on Roads and Canals, it would be suppressed and smothered. He could assure the gentleman that it was very far from his intention to suppress the subject; on the contrary, the gentleman might rely upon his meeting him in the most ample discussion he could desire.

Mr. **SPEIGHT** said he had not intended to convey any such idea; but he considered the gentleman from Virginia as committed on this subject, and it was reasonable to suppose that a majority of that committee agreed with him in sentiment. The policy which the President proposed to change was itself the work of that gentleman. It was he who had brought the project into the House; and was it to him or his committee that the question should be proposed, whether that policy ought to be changed. It was a policy which threatened to disturb the peace and harmony of the country. Would the gentleman still insist upon pushing it on?

The question being put on Mr. Mercer's amendment as modified, it was carried—ayes 83, noes 78. So it was agreed that so much of the message as related to the sale of canal stock should be referred to the Committee on Internal Improvement, and that in reference to the other stock should go to the Committee on Ways and Means.

The fourth resolution being read, proposing to refer to a select committee so much of the President's message as relates to the Bank of the United States,

Mr. **WICKLIFFE** said that he did not know exactly how to arrive at the object he had in view with regard to this resolution. His object was to postpone the reference in this resolution until an answer should be obtained to a resolution which he this day had the honor to submit to the House, and which now lay on the table. He was at a loss whether to move to strike out the whole resolution, or to ask the mover to withhold his proposition for the present, until such answer could be obtained.

Mr. **SPEIGHT** said he should have no objection to comply with such a request, except that it would be a departure from the ordinary course of legislation. He had proposed to refer this subject to a select committee, because he believed that the Committee of Ways and Means would not be able to give the subject a proper investigation. Should the resolution pass, the House might restrain its action upon it until the answer desired by the gentleman should be received. He was sorry he could not accommodate the gentleman from Kentucky, but he did not see how he could do it. He had no object to carry in proposing this measure; he expected no action on the subject of the bank during the present Congress.

Mr. **WAYNE** said it was probable he might be able to meet the wishes of the gentleman from Kentucky. He saw plainly that that gentleman did expect some action of the House upon the bank subject during this session, and it was Mr. W.'s own belief that some action in reference to it would be necessary. Mr. W. then offered an amendment, that the committee should have power to send for persons, and to call upon the bank and its branches for papers, and to examine witnesses generally in relation to the operations of the bank.

Mr. **WICKLIFFE** said that the amendment proposed by the gentleman from Georgia would not answer the object he had in view. Mr. W. had every confidence, both from his own judgment and from information in his possession, that when the resolution he had offered should receive its answer, and the House should have the report of the agent sent by the Secretary of the Treasury to inquire into the affairs of the bank, with a view to ascertain whether it was a safe depository for the public funds, the answer would be favorable to the bank and to the entire security of the revenue. Mr. W. said he had hoped that the resolution he had offered would have superseded the necessity of another bank discussion in that House, and of the consequences upon the financial and commercial operations of the country, and upon the credit of our currency. He had not understood, from a hasty reading of the report of the Secretary of the Treasury, that that officer had expressed any desire for the appointment of any committee on the subject. The Secretary said that he had taken steps to obtain such information as was within his control, but that it was possible he might need further powers hereafter. What had already been the effect throughout the country of the broadside discharged by the message at the bank? Its stock had, on the reception of that message, instantly fallen down to 104 per cent. Connected with this proposition to sell the stock, a loss had already been incurred by the Government of half a million of dollars. What further investigations did gentlemen require? What new bill of indictment was to be presented? There was one in the Secretary's report, which was also alluded to in the message: it was, that the bank had, by its unwarranted action, prevented the Government from redeeming the three per cent. stock at the time it desired. But what was the actual state of the fact? What had the bank done to prevent such redemption? It had done nothing more nor less than what it had been required by the Government to do. The Secretary of the Treasury, on the 17th of July, (he could not be absolutely certain as to the day, but it was on the 17th or 18th,) had advertised the intended payment of the three per cent. stock, two-thirds in October, and the remaining third in January. The bank was written to, apprizing it of this intention, and the suggestion was made to it, as a previous understanding between the Government and the bank, that, as the Government might not have enough disposable revenue to meet the whole sum of fifteen millions, being the amount of the three per cents., the bank should withhold the certificates of so much of the three per cent. stock as the bank might have the control of.

This Mr. W. understood to be the new sin charged upon the institution. Of what amount the bank obtained the control he had not been certainly informed, for the 1st of January had not arrived; but if gentlemen would look at the report they would find that, on the 1st of January next, the treasury would be minus, provided the whole amount of three per cent. stock should be paid off. There would, therefore, be a necessity that the bank should obtain control of a part of the certificates. On the 1st of January there would be (including the money to be paid on account of Danish claims) a little over two millions of dollars in the treasury; deducting the Danish funds, (which were not revenue) the balance would not be equal to the unavailable funds of the Government. By unavailable funds is meant one million and a half of dollars not worth one cent, which the Treasury lost by attempting to make State banks places of deposite for the public moneys, and by attempting to rely upon State bank paper as a medium in which to collect the revenues of the Government. Does the administration now desire or hope to find in these State institutions, about which they know nothing officially, and have a right to know nothing, greater safety for the public funds? Or is it the wish of the administration, and the desire of gentlemen in this House, to appoint another investigating committee? For what? To raise the hue and cry against the solvency of that institution, which the honorable Secretary told us last session had been well managed, and which had rendered such important services to the Government and country that he felt it to be a part of his official duty to urge Congress to recharter it.

Mr. W. said he had hoped that the bank would have been permitted to wind up its concerns, if the public judgment had been irrevocably pronounced upon the question in the recent election, with as little injury to public and private interest as possible for so delicate an operation to be performed.

In the time yet allowed the institution, with its present ample means, if let alone, if left in the enjoyment of that credit to which I believe its means and funds entitled, it is in the power of the bank, and I would hope in the disposition of the directors, to mitigate the blow which the downfall of a sound currency must ever inflict upon an honest community. Already, Mr. Chairman, has that part of the country whence I come, said Mr. W., felt, and heavily felt, the effects of the necessary curtailment of the business of this bank since our last session. What we are destined to suffer, time alone can develop.

I entreat gentlemen to stay their efforts, at least for a time, that we may see what evidence the Secretary of the Treasury has collected upon this subject, and then it will be time enough to ask this investigation. Do not, by the sanction of a vote of this House, strike a panic in the commercial community, and beget distrust with all classes, when in truth and in fact there may not exist any well founded grounds for it.

If it is the purpose of the administration to withdraw the public deposites from this institution, and place them in State banks, let them do it upon their own responsibility, as they have a right to do it; but do not, by the hasty and inconsiderate action of this House, furnish them with an apology for so ruinous a measure. I invoke gentlemen to be patient; the time will soon come, if the people do not see abundant cause to reverse what is claimed as their judgment upon this subject, when we shall have State banks and their notes in abundance with which to inflict and oppress the labor of the country, and which will soon increase to the amount of your "unavailable funds" in the public treasury.

Mr. WAYNE said, that though he desired not to enter at large into the debate at this time, and would not do so, yet gentlemen had compelled him, by the course of their remarks, to make some reply. It has been said that nothing was now before the House to make an inquiry into the condition of the bank desirable or necessary. He would refer to the President's message, and to the report of the Secretary of the Treasury, both suggesting an examination, to ascertain if the bank was, or would be in future, a safe depository for the public funds. Mr. W. did not say it was not, but an inquiry into the fact might be very proper notwithstanding; and the President and Secretary, in suggesting it, had imputed no suspicion of the insolvency of the bank. Eventual ability to discharge all of its obligations is not of itself enough to entitle the bank to the confidence of the Government. Its management, and the spirit in which it is managed, in direct reference to the Government, or to those administering it, may make investigation proper. What was the Executive's complaint against the bank? That it had interfered with the payment of the public debt, and would postpone the payment of five millions of it for a year after the time fixed upon for its redemption, by becoming actually or nominally the possessors of that amount of the three per centum stock, though the charter prohibited it from holding such stock, and from all advantages which might accrue from the purchase of it. True, the bank had disavowed the ownership. But of that sum which had been bought by Baring, Brothers, & Co., under the agreement with the agent of the bank, at 91½, and the cost of which had been charged to the bank, who would derive the benefit of the difference between the cost of it and the par value, which the Government will pay? Mr. W. knew this gain would be affected by what may be the rate of exchange between the United States and England, but still there would be gain, and who was to receive it? Baring, Brothers, & Co.? No. The bank was, by agreement, charged with the cost of it, in a separate account, on the books of Baring, Brothers, & Co., and it had agreed to pay interest upon the amount, until the stock was redeemed. The bank being prohibited to deal in such stock, it would be well to inquire, even under the present arrangement with Baring, Brothers, & Co., whether the charter, in this respect, was substantially complied with. Mr. W. would not now go into the question of the policy of the arrangement by the bank concerning the three per cents. It may eventuate in great public benefit, as regards the commerce of the country; but if it does, it will be no apology for the temerity of an interference with the fixed policy of the Government, in regard to the payment of the national debt; a policy, which those who administer the bank knew had been fixed by all who, by law, can have any agency in its payment. Nor can any apology be found for it in the letter of the Secretary of the Treasury of the 19th of July last to Mr. Biddle; for, at Philadelphia, the day before, on the 18th, he employed an agent to go to England, and had given instructions to make an arrangement, by which the payment of the public debt was to be postponed until October, 1833.

Whatever solicitude there may have been to lessen the commercial distress which it was feared would be caused by pestilence, the plan which the bank had in view should have been communicated to the Secretary of the Treasury, as it could not be accomplished without the protracted use of the Government funds, and by delaying the payment of the public debt. The bank should not have coveted the exclusive merit of such an arrangement for the relief of commerce. It would have had the praise of originating it, and it might well have acknowledged its situation would have prevented it from being completed without the aid of the treasury deposites. But it is said that the report of Mr. Toland makes all inquiry unnecessary, and shows that the condition of the bank is better than it has been at any time before. Mr. W. said he would controvert both declarations; but he disclaimed saying that the bank was not a safe depository of the public funds. The bank might be a safe, and yet an improper depository for them. But he would now examine the report of the agent, to show that it did not prove the bank to be a safe depository, and he insisted that the instructions given to the agent had not been complied with. The agent was not in a situation to act them out to the complete intention of the Secretary. Mr. W. did not mean that there had been any dereliction of duty on the part of the agent. His character forbade such an insinuation. But the agent's conclusion is, that the bank has seventy-nine millions to meet thirty-seven millions of debt. It consists of gold and silver, funds in Europe, real estate, amounts due by State banks, and debts due by individuals. The excess of means over debt is represented at forty-two millions. Now, let us see if a single item of suspended debt, amounting to $7,851,281 82, as disclosed in the triennial report of September, 1831, (if the contingent fund to meet this loss, stated in that report, is included in the seventy-nine millions of available means, or has not been actually applied to the extinguishment of the suspended debt,) will not reduce the excess of forty-two millions below the capital of the bank, which is thirty-five millions.

Is any information before us to show that the contingent fund is not included by the agent in his report of available means? Gentlemen are called upon to deny and to prove that it is not. May not also the amount of suspended debt have been increased since 1831, without any increase of the contingent fund? Or, what proof have we that the whole sum of sixty-two millions due by individuals is good, and will be ultimately collected? or, that no per centage of loss upon it should be allowed? If the bank was called upon to say if the whole sum was due by solvent persons, could it say so? And if none of them are known to be insolvent, does not prudence require that some discount should be allowed from the amount, for the vicissitudes of trade and the casualties of fortune, to those who are not in trade? In this instance, it may be said, the report shows the bank's entire indebtedness and the extent of its means for payment. It ought to be remembered, that the first can only be lessened by payment, and that the second may be diminished by losses. Though we have no data from which an amount of loss can be correctly conjectured, we all know some will occur. But, further: the report rates the real estate of all kinds owned by the bank at three millions, or within two or three thousand dollars of it, as available means; the real estate consists of banking houses and lands acquired in payment of debts; the first was stated in May last, at their cost, to be one million one hundred and sixty-nine thousand dollars. Now, no one supposes that sum could be got for them. They are buildings for an exclusive purpose, inconvertible to other uses, but by alterations requiring heavy expenditures; and they were built at times when labor and materials were dear, and when the bank gave more for real estate than it will now bring. From this item of available means the bank will be satisfied if it does not finally lose some three or four hundred thousand dollars.

Mr. W. knew that there had been a reserved fund of one hundred and twenty thousand dollars per annum to meet the cost of the banking houses; but does it appear, from the report of the agent, that all that accumulation, and such as may have been added since 1831, is not included in the statement of available means? This item, too, of real estate, may be subject to another discount. We now have it stated at its full value; but accruing taxes, expenses of sale, and the time it will take to dispose of it, will reduce the sum which it will bring, unless the rise of property where it is situated has been progressive, or should suddenly occur. That such is not the fact, however, may be inferred from the bank having continued to hold, for more than eleven years, its real estate in Cincinnati, or Ohio, and which, at cost, was, in a previous statement of the bank, put down at one million two hundred and thirteen thousand dollars; and this in the most flourishing town and the most prosperous State in the Union. Will any gentleman here, and particularly some one of them from Ohio, tell us if the landed estate of the bank in Ohio is worth more now than it was in 1820, when the bank became owner of it? Now, sir, though the argument just used may not show that the bank has less available means than is stated by Mr. Toland, it is strong enough to prevent his report from being conclusive against inquiry; and this is the point, Mr. W. said, between himself and gentlemen who were against inquiry. Nor will it or can it be denied, that the approximation of indebtedness to means is not so close, that it would be well to have an examination, to remove all doubt. It matters not how the doubt has been raised; it exists in the public mind; and as the bank is to be the depository of millions of accruing revenue, it should be dispelled, if it can be done by further inquiry. It must not only be safe, but it must be thought safe, by a full development of its management. Of this we have nothing in detail, as relates to the great national interests which the bank was intended to aid and to advance. The President, therefore, and the Secretary, did well in suggesting an inquiry; and they are not answerable for the follies of those who, from the fears of loss, or from party resentments, have converted their suggestions into declarations by both of the bank's insolvency. Neither has said so.

Mr. W. said, his object had been so far to make out a case fit for inquiry, not in any way to give it as his opinion that the bank was insolvent. Mr. W. made no accusation of any kind against the bank, nor would he express any opinion of the ultimate soundness of it on account of its thirty millions of discounts in the West and Southwest. Its debtors there might be perfectly good or responsible, without constituting any present ability in the bank to pay what it owed. Such large discounts in one quarter of the Union might turn out to be advantageous to the stockholders and to the Government, so far as a dividend was concerned. But such anticipations, however well founded, did not gainsay inquiry; for, it might interfere with other and more important interests which the bank has undertaken to sustain and to discharge for the Government and the country; as, for instance, whether those discounts had not disabled the bank from being in a condition to carry on its ordinary operations on the first of July last without the Government deposites. What was its ability to do so on the first of October? and what will be its condition on the first of January, if Congress should insist upon the application of the Government deposites to the payment of the three per cents, of which the bank has the control; or upon withdrawing the deposites, if the bank shall not allow them to be redeemed?

As to the bank being in a better condition now than it ever had been, as Mr. W. understood the gentleman from Massachusetts [Mr. Dearborn] and others to say, he must differ with them. This Mr. W. knew, that it had in effect to borrow five millions since July last; and this it would have been obliged to do without the apprehensions caused by the cholera. When all fears of pestilence had passed, the bank continued to owe the loan. Mr. W. supposed it would do so as long as it could derive a better interest from its customers upon the use of the deposites which were intended to pay the national debt than it paid upon the loan. This is the secret of the whole arrangement in regard to the three per cents. Because the bank had now eight millions of discounts less than it had six months since, gentlemen said it was in a better condition; and a parade of this was to be made for present effect. Mr. W. would not say it was in a worse condition, or that it was bad: but he would prove that there had been no change in that time which made its condition now a subject of boasting. In May last, the total amount of discounts was seventy millions. The circulation of the bank, at the same time, was twenty-two millions. It owed a debt then of two millions in Europe. Its circulation now is eighteen millions; its discounts sixty-two millions. Four millions of its reduced discounts have been applied to meet the return of so much of its circulation: two millions to its debts in Europe; one million to pay deposites, which were then twenty millions, and are now nineteen. Thus, seven of the eight millions of reduced discounts are accounted for, and a million only is left to sustain the remark of the bank being in a much better condition now than it had ever been. The truth is, the bank stands now as it did then, with this addition to its obligations: that it is paying to Baring, Brothers, & Co. an interest upon five millions, instead of upon a debt of two, which Mr. W. presumed it had to pay before it could negotiate the loan of five, or make the arrangements for withholding so much of the three per cents.

Gentlemen remonstrated against inquiry, and said it would agitate the public mind, and spread suspicions injurious to the bank, and to the commerce of the country; that the public mind had already been agitated by intimations from the highest source, which had been productive of loss to the stockholders. It is true, Mr. W. said, that suggestions had been made by persons from whom the public would believe they never would have come, unless they could be sustained by facts. To stop inquiry would not remove the impression.

As to loss to the stockholders, Mr. W. remarked, those only could have been losers who were speculators in stocks; though they had rights which were not to be harmed by undue means, they had none such at this time to complain of; and their gains or losses were never a subject of sympathy, as they were made by a never-ceasing rivalry of human sagacity carried to the utmost verge of the boundaries of moral propriety. The aged, the widow, and the orphan, and the man of moderate desires, still continue to hold their stock. It was worth intrinsically what it was before any suggestion of inquiry had been made; and if the bank shall be well administered, it will regain all between its present market price and what it has been, except so much of artificial value as it may have acquired from the hopes of the holders of it that it would be a permanent stock. To make it so, the Government was never committed. As to the committee to which this inquiry was to be referred, Mr. W. felt no solicitude. He should have confidence in any committee the House should appoint. He was very willing the investigation should be confided to the Committee of Ways and Means. He was confident it would be fairly and honorably conducted. Besides, there was no committee of that House which would dare to postpone action on the subject without the very best reasons. It was objected that there was not time, during the residue of this session, to complete such an investigation. Admitting the fact to be so, it furnished no argument against the appointment of a committee, because such committee might put matters in train, by appointing agents who should examine into the affairs of the several branches of the bank, and whose reports would present to the next Congress one general, unbroken view of the whole condition of the institution throughout the country. If Mr. W. had any agency in the affair, he should be in favor of commissioning a number of agents, who would examine on the same day, and report simultaneously.

Mr. W. observed, in conclusion, that he felt he had been forced to do, although not more than he ought, under the circumstances, yet much more than he had wished to do. He had touched only the prominent points; the exposition might be much further extended, but he trusted that he had done enough to show that he had not brought forward the measure he proposed without due consideration.

Mr. CAMBRELENG, of New York, observed, that he should not engage at present in a debate on this subject, though he did anticipate that there would be, at some time, a committee raised who would thoroughly investigate the affairs of the bank; but he thought that as much as could be expected to be effected, especially in a short session, would probably be accomplished by the adoption of the resolution of the gentleman from Georgia. He wished, now, to put a question to the gentleman from Kentucky, [Mr. Wickliffe,] who seemed to be as well, and a little better, informed as to the affairs of the bank, than any other gentleman present. He wished to know whether that gentleman meant to say that the Government had sanctioned, in any manner, or in any form, the purchase by the bank of stock abroad, and the postponement of the payment of the public debt until October, 1833?

Mr. WICKLIFFE said, that before he replied to this question, he wished to notice what had fallen from the gentleman from Georgia, [Mr. Wayne.] That gentleman seemed to consider him the advocate of the bank, as a corporate being, or perhaps as the advocate of the stockholders. He disclaimed such an attitude, in and out of this House.

All Mr. W.'s acts, in relation to it, had arisen from a desire for the preservation of a sound circulating medium, for the benefit of the agricultural and commercial interests of the country. Mr. W. said he was not acquainted with any of those who held stock in the bank; and it was not on account of the loss sustained by the stockholders that he was most concerned. Though that loss was great, he did not feel particularly concerned about it, more than he should feel for the losses of other citizens, in the diminution of the value of their estates; but what occasioned his anxiety was, an apprehension of what was to follow.

It was the state of universal distrust that would speedily pervade the community, and which could not but be followed by the most ruinous consequences. This was what alarmed him; and this must be the inevitable consequence of suddenly calling in the immense debt that was due to the bank in the Western States particularly. Now for the answer to the question of the gentleman from New York. Of any sanction given by the Government to the postponement of the payment of the public debt until October next, or whether such an arrangement in fact was made, he had not spoken. What arrangement, if any, had been made on that subject, he did not know, or how far it met the wishes of the Government. What he had said was this: that the conduct of the bank, in obtaining the control of any part of the three per cent. stock, was done at the instance of the Government itself.

Mr. W. said he understood the state of fact in reference to this question to be this: He wished it understood he did not read from an official document; but the language would be comprehended, and its correctness not disputed here or elsewhere. Previous to the publication of the notice by the Secretary of the Treasury, viz: on the 19th July last, he informed the bank of his intention to pay off two-thirds of the three per cents on the 1st of October, and the remaining third on the 1st of January, 1833. To this information was added the following declaration: "This has been adopted with the understanding had between us, that, if it should happen that the public moneys are insufficient to complete these payments, the bank will delay the presentation of any certificates, of which it may have the control, until the funds are sufficient to meet them; the interest to be paid by the United States during the interval." On the 26th of July the bank replied to this request as follows: "The bank has taken the necessary steps to obtain the control of a considerable portion of those certificates, and will, very cheerfully, employ it in such manner as may best suit the convenience of the Government."

I trust I am now understood by the gentleman from New York; and if his question be not answered, he must seek for a solution of it elsewhere.

Mr. HOFFMAN said that he agreed with the gentleman from Kentucky [Mr. Wickliffe] that the public judgment seemed to have decided that the term of the existence of the United States Bank should come to a close. But, so long as it continued in operation, it was important that its credit should be sound, and that it should be rightly judged of by the country. On this subject it was unnecessary and injurious to be too sensitive. The Executive had suggested to Congress the propriety of an inquiry into the condition of the institution; and it was supposed by the gentleman from Kentucky that this suggestion had injuriously affected the credit of the bank; but he believed that an accurate comparison of dates would show that the decline in the stock had been antecedent to the publication of the President's message. The decline had gone to a considerable, if not to the whole extent, before the message was received. But though such was the fact, could any one deny--would the gentleman from Kentucky deny--that the Presidential communication might affect the credit of the bank? and should the House, after such a suggestion, refuse all inquiry into the state of its affairs, would the public mind be satisfied? If the bank was indeed sound, if the vast amount of discount which it had lately granted had not involved its concerns, and the debts due to it were all good, why, then, the sooner this was known the better. Let the public have the facts, that the credit of the bank might be indisputable, and that the holders both of its stock and its bills might rest satisfied in the assurance that it was sound and solvent. But if the fact were otherwise, if there were any thing rotten in the state of its affairs, if it had been extensively engaged in improper transactions, would any gentleman desire that such a state of things should be concealed? After the suggestion had been made, there remained to the House but one course, which was, to enter upon a thorough investigation, and bring the result before the country. If the bank should prove sound, then no injury would result to the interests of commerce; but should the House stifle inquiry, and refuse to take the steps necessary to get at the truth, distrust and jealousy must inevitably ensue; and the House would inflict extensive injury on all the various interests connected with the credit of the bank. Mr. H. did not intend to hazard any opinion as to the soundness of the institution; or whether it was or was not a safe depository for the public funds. It was enough that that question had been made. The exposure of the bank's concerns would not make them bad if they were indeed good. The House was informed that doubts existed, and it was only by evidence that their truth or error could be tested.

Mr. H. said that when he reflected on the vast amount of discounts which the bank had granted within a very short period on the decline of its stock, and the agitation of the public mind connected with the institution, he was not without apprehension that its affairs might be in an unsound state, and, if so, he wished to know it, and he wished to let the public know it. If the bank was to be wound up, as he believed the people had decided; or if it was to be continued in any form, which he hoped it would not; he desired in every case that the truth might be made known. It must be the wish of all that the bank should enjoy as good a repute as it deserved. Let it be proved that public opinion with respect to it may rest on a firm foundation. But should the House shut the door on all inquiry; should they satisfy themselves with such a report as the agent of the Treasury might choose to make, and the ruinous insolvency of the institution should afterwards stare them in the face, must they not stand convicted before the American people? Why incur such a hazard, when the plain, obvious, direct, straight-ahead course lay before them, which could do no harm, and might effect much good?

Mr. WAYNE said he wished to offer a single suggestion which seemed to be called for by the answer of the gentleman from Kentucky [Mr. Wickliffe] to the inquiry proposed to him by the gentleman from New York, [Mr. Cambreleng.] The gentleman accused the Government of having instructed the bank to do the very act of which it now complained; and he rested this accusation on information derived from a letter, an extract of which he had read to the House, (and which, by the by, was itself a strong presumptive proof that the gentleman was not only very intimate with the affairs of the bank, but was the confidant of the institution.) Now Mr. W. would venture to affirm that when facts came to be investigated, it would be found that the terms employed by the writer of that letter had been much too strong. He meant to convey no imputation against the veracity of the writer, but it would be found that he had gone farther than facts would warrant; but the House would observe that the complaint adduced by the Executive against the bank was not that the bank had obtained control of a part of the three per cent. stock, but that it had violated the tacit arrangement between the bank and the Government, by holding that stock beyond the point of time at which the Government would be able to redeem it. The complaint was, that although the bank was fully apprized both of the wish and of the ability of the Government to redeem the stock within a certain limited time, the bank had, without authority, made an arrangement which transcended that limit, and thus postponed the payment of the public debt for one year.

Mr. BURGES said that he had hoped this bank question was settled, and that the corporation might have been suffered to pass into its obituary condition, without being farther baited and hunted by its enemies. The House had last year been deeply and anxiously engaged in the investigation of its concerns, and yet, when the result was known, the House had ordered no inquiry before a jury, though that was what it would have done, and ought to have done, had the bank been guilty of a violation of its charter. Did the Secretary of the Treasury now believe that the bank had violated its charter? If he did, then it was the duty of the President to send the inquiry to a jury. Was the House about to take that question from a jury to themselves? If the President had suspicions, why did he not send the bank to a jury? What benefit could result to the House, or to the nation, from this inquiry? It was said that the bank might possibly be in doubtful circumstances; and, if its circumstances were doubtful, would the House, by exciting a panic, and calling all the gold and silver out of its vaults, enable it to pay its debts? What did the House do last session? It examined the bank, and then voted to renew its charter; and would they, the same men, who had voted to renew the charter of the bank, forthwith act on the supposition that the bank was not sound? Was it not most extraordinary that the very Congress which had passed such an act, were now asked to raise a committee for the express and sole purpose of sanctioning the Presidential suggestion, that the bank was not trustworthy.

The gentleman from the interior of New York, [Mr. HOFFMAN,] had told the House that he was not without his doubts; the bank had discounted, and its stock had fallen. True; and what had reduced the stock? Not the suspicion that the bank was not solvent, but the settled belief that the bank would not be rechartered. Not a doubt existed through the whole commercial community as to the solvency of the bank; and, surely, commercial men ought to be the best judges of such a question; better judges, certainly, than gentlemen from the interior of the country, who had no personal connexion with the bank or its transactions. Was this investigation designed to make men cautious, and to enable the bank to pay its bills? He could believe no such thing. No man could be ignorant that every inquiry into a moneyed institution tended to lower its credit, and unless the people scouted the inquiry, conceiving it to be a mere political scheme, the effect of the measure must, and would be, to produce a run on the bank, to destroy its means, to drain all the specie from its vaults, and thereby occasion the utter and inevitable ruin of millions of people in the course of a few months. No, cried Mr. B., give to the bank what you would give to a common highwayman and robber—a trial by jury. Put it upon the country, and let that country say whether it has, or has not, forfeited its charter.

Mr. POLK said, that the proposition of this inquiry did not involve the question as to the necessity of the present, or of any other national bank. That was not the question before the House; and it was mainly to recal the House to the real question before it, that he had risen. They had been informed by the President in his message, that serious doubt existed whether the public deposites in the Bank of the United States were safe in that institution, and that the Secretary of the Treasury had taken steps to ascertain whether such were the fact; but that the powers of that office might prove incompetent to the task, and the question before the House was, whether such an inquiry should be prosecuted or no? And if it should, then whether it should be conducted by a select, or by a standing committee? This was the question, and the whole question. The gentleman from Rhode Island had informed the House that he had hoped the bank question was settled now, without raising the question whether Congress should recharter the present bank, or should charter a new bank; if the House was informed that doubts existed as to the safety of the public funds, it was beyond question their duty to ascertain whether such doubts were well founded. The reasons offered by the gentleman from Kentucky, in opposition to the inquiry, did not appear to him satisfactory. What are they? Why, that he had offered a resolution with a view to getting the report of the agent of the Treasury as to the bank affairs. Now, it did not occur to Mr. P. that such a report could greatly enlighten the House. At all events, the action of the House need not be suspended to wait for it. The gentleman's second reason was, the delicacy of public credit, and the effect such an inquiry might have upon the stock of the bank in market. But did the gentleman forget that, by the charter, Congress had expressly reserved to itself this power of examination? and the delicacy of public credit was no argument against its exercise; and he fully concurred with the gentleman from North Carolina, [Mr. SPEIGHT,] that if there was to be any inquiry, it ought to be conducted by a select committee.

Mr. WATMOUGH said, that he rose, not for the purpose of entering into the debate, but to move that the committee now rise. He made the motion accordingly, which was carried, ayes 101; whereupon the committee rose, and,

On motion of Mr. WATMOUGH, the resolutions and amendments were ordered to be printed. Whereupon,

The House adjourned.

TUESDAY, DECEMBER 11.

THE REVENUE LAWS.

A petition was presented by Mr. DAVIS, of Massachusetts, from the merchants of Boston, praying for the interposition of Congress to relieve them from the embarrassments occasioned by the construction put upon the late amendment of the revenue laws, by the Secretary of the Treasury. In presenting this memorial, Mr. D. observed that the law provided that goods imported before, as well as after the passage of that act, if, in the original packages, and placed in the custom-house stores, under the care of the officers of the customs, at any time before the 3d of March next, should then be subject to no higher duties than if imported after the 3d of March. The design of Congress unquestionably was, said Mr. D., to extend relief to all persons who owned goods in the original packages, by refunding, or relinquishing the difference between the duties under the old and the new law; but it so happens that the late law is not very clear in its terms, and the Secretary of the Treasury has put a construction upon it which has frustrated the intention of Congress, and does great injustice to many merchants.

The memorialists represent, and in this they are confirmed by the letters of the Secretary, that no goods shall be entitled to the benefit of the act on which the duties were paid, or wholly due at the time of the passage of the act. This decision excludes from the benefit of the act all holders of goods in the original package where the duties were either actually paid, or the bonds had become due, and were unpaid, although the law seems to provide expressly that all goods imported before the passage of the law shall stand on the same footing as those imported after. The injustice visited upon merchants will be apparent, by looking at the credits given at the custom-house by law. On all goods from south of the equator, or beyond the Cape of Good Hope, the time of credit is eight, ten, and eighteen months on the custom-house bonds. On all goods from Europe, eight, ten, and twelve months. On all goods from the West Indies, six and nine months. If, therefore, a merchant had imported from Brazil a cargo of coffee within eighteen months before the passage of the act, he would be entitled to its provisions; but if he had imported a like cargo from Cuba only nine months before its passage, he would lose the benefit of it.

The Secretary has further decided that none but importers can have the benefit of the act, and, consequently, that all owners who are not importers of merchandise are excluded, though their goods are in the original package. If, therefore, one merchant imports a cargo, and, before it it is landed, sells one-half, the purchaser cannot deposite his portion in the custom-house; and the consequence would be, if the goods pay no duty after the 3d of March, the importer escapes that liability, while the purchaser pays the duty assessed by the old law.

The Secretary has also decided that, in order to get the benefit of this act, the goods must be deposited in the custom-house before the first day of January next, though the law only requires that they should be deposited before the 4th of March next.

Congress, Mr. D. said, never intended to make a law with such provisions as these. The act might be, and he thought was, rather doubtfully expressed in the 18th section, but the design was to treat all citizens alike; to extend its benefits to all holding goods in the original package, that there might be no complaints of injustice; and, as the memorialists could obtain relief in no other way, they sought the interposition of the Legislature to carry into full effect its own intentions. These decisions bore with severity upon many, and called for the speedy action of the House, as the 1st of January was near at hand. Such, he said, were the views of the memorialists, and he believed the Secretary of the Treasury had also invited attention to the subject in his annual report. With these observations, therefore, he would move that the memorial be referred to the Committee on Commerce.

It was referred accordingly.

FALLS OF THE OHIO.

On motion of Mr. **CARR**, of Indiana, the petitions of the citizens of the States of Kentucky and Indiana, praying for an appropriation to be made to improve the Indian Chute, through the falls of the Ohio river, which were referred to the Committee on Internal Improvements at the last session of Congress, and not acted upon, are again referred to said committee. In making this motion,

Mr. **CARR** remarked, that he presumed the committee to whom this subject had heretofore been referred might have been embarrassed, in consequence of having had reference to a report made by the engineer appointed on the part of the Government some years ago, and who made a report of his examination some time since. That he believed the contemplated improvement differed from that reported by the engineer; that he had conversed with many of the petitioners, and others who felt much interest in the matter, many of whose opinions could be relied upon, who seem to think the best plan to improve the navigation of the Ohio river at the falls, would be to make an excavation at the head of the Indian Chute, about four hundred yards in length, and thirty yards in width, averaging two feet six inches in depth. The greatest depth required at the pitch of the Falls Rapid will be five feet. The surface of the water in the river will be maintained at its present level, by depositing the rock taken from the excavation on each side of the channel at its head, so as to prevent the water when at a low stage from flowing over a flat rock at the head of the falls, in a sheet of at least 600 yards in width, which is now the case. About 200 yards below these rocks there is a cluster of loose rocks directly in the present channel, which are extremely dangerous, and very difficult to pass in safety, and heavy losses have been sustained by boats striking on them. They will require to be removed.

Near a mile lower down there is a point of rock, projecting from Goose Island, about three hundred feet in in length, averaging about ninety feet in breadth, and three feet in height above extreme low-water mark, forming an abrupt bend in the channel, which creates a dangerous eddy, through which it is impossible to pass at a medium stage of water; consequently, they are compelled to pass over the top of this point of rock, and through a swell created by the current rolling over it, of from five to ten feet in height. This point of rock will require to be removed at least four feet below low-water mark, by which means the channel will be made straight, and the eddy and the swell destroyed. At the distance of about a half mile below this point of rock there are a number of loose rock which it will be necessary to remove to complete the contemplated improvement. The excavation at the head of the channel will, it is supposed, amount to 10,000 cubic yards; that at the point projecting out from Goose Island, 7,500 cubic yards; amounting in all to 17,500 cubic yards of rock to be excavated, 14,500 yards of which are below low-water mark. The expense of excavation will probably be about one dollar a cubic yard. The other two ledges of rock can be removed for about $7,500, which will complete the whole improvement contemplated at an expense of twenty-five thousand dollars.

The probable benefits arising from the proposed improvement, when completed, would perhaps not fall far short of the following estimates. There are about six hundred trips made by steamboats passing down the river annually, transporting cargoes averaging 200 tons each, from above the falls of the Ohio river to the Wabash river, for the States of Indiana and Illinois; to the Green river, for Kentucky; to Cumberland, for Tennessee river; to Tennessee river, for Alabama; to the Upper Mississippi river, for Missouri; and the Illinois rivers, for the States of Missouri and Illinois; to the Arkansas river, for the Territory of Arkansas; and down the Mississippi river, for Vicksburg, Natchez, and New Orleans. Of that amount of tonnage, one half, perhaps, is drayed over land round the falls, and reshipped in other boats, at an expense of at least one dollar a ton, producing the sum of sixty thousand dollars. It is estimated that about 1,000 flat boats annually dray their cargoes over land round the falls, amounting to forty tons each, at an expense of one dollar per ton, amounting to 40,000 dollars, which sum, added to the average by steamboats, makes the sum of $100,000 for drayage, besides delays, contingent expenses, &c. Another very important advantage will be gained by the completion of the proposed improvements: when the canal is passable, and a steamboat has her cargo on board, she may get under way and pass over the falls in ten minutes, at an expense of perhaps ten dollars pilotage. If the same boat pass through the canal, she will have to pay an average toll of something like eighty dollars. This operation, at the present state of the western trade, would perhaps be brought to bear on about 150 steamboats, exclusive of those estimated at present draying their cargoes; the difference between the toll and pilot is, say seventy dollars on each boat, which amounts to 10,500 dollars. Again: the difference in time required by a boat passing over the falls, or through the canal, is estimated at about six hours; the expense of the boats for this time will average at least twenty-five dollars, amounting on 150 boats to 3,750 dollars, showing an aggregate of 114,250 dollars annually; every dollar of which will be a clear saving to the commerce of the Ohio river, by the completion of the proposed improvement. Besides, flat boats could pass over the falls without the expense of draying, or delay, and, in most cases, even without the expense of pilotage.

Suppose the canal to be complete, and capable of passing every boat that offers, the number of steamboats that would pass, when the water is too low to pass over the falls in the present condition of them, will be about 450 a year, at an average toll of say seventy dollars each, amounting to 31,500 dollars; to that sum add twenty-five dollars for each boat, in time lost, 11,250 dollars, and the difference to steamboats is 42,750 dollars a year. To this add the saving to flat boats of at least fifteen dollars each, and it amounts to 57,750 dollars annually—a much larger amount than it is believed it would take to make the improvements contemplated.

Mr. C. remarked that it was a subject in which a large portion of the commercial and agricultural community of the West felt a deep interest, and hoped that the action of the House might be had upon it during the present session.

The resolution offered by Mr. **Everett**, of Massachusetts, on Thursday last, was taken up, and after being modified by adding the words "since September, 1830"—

Mr. **EVERETT** observed, that he had two objects in view in bringing forward this resolution; one was to complete the publication of a very interesting series of public documents. The papers on this subject down to the year 1825 had been already communicated to Congress; and it would no doubt be highly gratifying to the House and the country to have the series brought down to the present time; inasmuch as the important controversy to which they refer had been brought to an honorable and satisfactory close. His other, and the more important, object in moving the resolution, was one which had been pressed upon his consideration by some of the claimants, under the highly advantageous convention which has lately been concluded with France. It was believed by them, that the papers embraced in the call would throw light on important questions to be considered and adjudicated by the commissioners under the convention. Mr. E. added, that he could state that our late minister to France approved of the communication of these documents, as far as concerned his part of the negotiation; and had expressed to him his willingness, and even wish, that they should be sent to the House without delay. Mr. E. knew of no reason for opposing the resolution, and trusted the House would accept it without a division.

The resolution was agreed to.

THE PUBLIC LANDS.

Mr. CLAY, of Alabama, offered the following:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reducing the price of such portions of the public lands as have been offered at public sale, and have remained unsold for the period of five years and upwards.

Resolved further, That said committee inquire into the expediency of relinquishing to the respective States in which they are situated such portions of the public lands as may have been offered at public sale, and, being subject to private entry, have remained unsold for the period of ten years.

Mr. WILLIAMS, of North Carolina, observed that the resolution involved a very important question--perhaps as important a one as had ever been offered to the consideration of Congress; and he wished that its consideration should be postponed to Monday next. Why was this unceasing demand heard for the relinquishment by the United States of all its public lands? For his own part, he was unable to give any good reason for it; and as he desired time to reflect on the subject of the resolution, he moved its postponement till Monday.

Mr. CLAY said that this was a species of opposition, and at a stage of the resolution, which he had not anticipated. The resolution proposed a simple inquiry, and did not go to commit the House. What injury could result from confiding such an inquiry to one of the standing committees of the House? Was the gentleman unwilling that even an inquiry should be instituted? Was he unwilling to hear a report from one of the committees of the House? He would not at present urge the considerations which in his judgment ought to induce Congress to concede to the new States all they asked on this subject. Were this the proper time, he could urge the many and great disadvantages under which the new States labored from having a large part of their territory beyond the reach of their taxation for revenue; and he was prepared to show, from documentary evidence, that for a large portion of the public domain it was impossible that the Government should ever obtain even the minimum price allowed by law. But he should not press those topics now. He hoped the resolution would not be postponed.

Mr. SPEIGHT suggested that his colleague had better move to reconsider the resolution offered by the gentleman from Indiana, [Mr. Boon,] which went in substance to the same object, and which had just been adopted without debate.

Mr. CLAY said that his resolution differed from the other, as being more specific in point of time.

The CHAIR having compared the two resolutions, pronounced that of Mr. Clay to be sufficiently different from Mr. Boon's to make it in order to consider it.

Mr. WILLIAMS replied to Mr. Clay, and was proceeding to show that the old States had as great a right to retain, as the new States to claim, the public domain; and should those lands be ceded, the old States would experience as much injury as the new States would obtain benefit; but

The CHAIR arrested the discussion, as going into the merits on a question of postponement.

Mr. WILLIAMS having demanded the yeas and nays on his motion to postpone, they were taken; and stood as follows:—Yeas 106, Nays 78.

So the resolution was postponed.

Mr. HEISTER, of Pennsylvania, then moved to reconsider the resolution offered by Mr. Boon, and demanded the yeas and nays, which were ordered.

Mr. IRVIN, of Ohio, observed, that the inquiry proposed in the resolution had often already been before the Committee on the Public Lands. The resolution proposed merely an inquiry, and covered no ground that was not already covered, by referring a part of the President's message to the Land Committee. It was useless to take up time by taking the vote by yeas and nays, as the resolution neither went to add to, nor to take from, the duties at present confided to the committee.

The question was then taken, and decided by yeas and nays as follows:--Yeas 90, Nays 83.

So the House agreed to reconsider.

The resolution was then postponed to Monday next.

Mr. MARDIS offered the following resolutions:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the settlers on the public lands of the United States a right of pre-emption to their respective improvements.

And be it further resolved, That the Committee on the Public Lands inquire into the expediency of permitting the citizens of the several townships in the United States entitled to section sixteen, for the purpose of schools, where the same is sterile and valueless, to surrender such section to the United States, and select from the unsold lands, within the limits of the State where the section surrendered may be, another in lieu thereof.

Mr. ROOT, of New York, said he had hoped the House would have been suffered to rest, upon this subject of the public lands, until a bill should come up for consideration, which now lay over from the last session, and which provided for the disposition of the avails of the public lands, on the presumption that they should continue to be sold as heretofore. The present resolution was not, he perceived, quite so charming as its predecessor. This proposed to inquire as to disposing of the public domain to a certain description of persons sometimes called in that hall "pioneers," but who were known in his own State by the more humble name of "squatters"—persons who, without law, and against law, had intruded on the lands of the United States, and whom it was proposed to quiet in their possession by conferring upon them a title to the land which they had obtained by trespass. Mr. R. said he would not consent even that a committee should inquire into the propriety of rewarding men for breaking the laws of their country. He was, indeed, well aware that there existed, and had existed for this long time, a strong desire to dispose of the public lands for less than their value, and for nothing at all. But here came a proposition to deprive the "good old thirteen" of that which rightfully belonged to them.

The CHAIR here, at the suggestion of Mr. Speight, arrested the course of Mr. Root's remarks, as going into the merits.

The question was then taken, and the consideration of Mr. Mardis's resolution was postponed till Monday.

A report was received from the Secretary of the Treasury, accompanied by the report of the agent employed by the department to examine into the affairs of the Bank of the United States, and which stated all the demands upon the bank to amount to about thirty-six millions, and all the assets of the bank to about seventy-nine millions; which stated entire confidence in the safety of the bank as a depository for the public funds, and, in respect to the debts due the institution in the West, stated the opinion that they were as good as the same amount of debt would ordinarily be estimated at on the seaboard.

Mr. WICKLIFFE moved to print an extra number of 10,000 copies of this report, and requested that the rule be suspended which requires such a motion to lie one day.

Mr. WAYNE objecting, **Mr. WICKLIFFE** made the motion, but it failed to obtain the votes of two-thirds of the members present—yeas 91, nays 62. So the motion lies till to-morrow.

The **SPEAKER** laid before the House a letter from Mr. Blair, of South Carolina, requesting, for obvious reasons he stated, to be excused from serving on the Committee on Military Affairs. The letter was read, and the request granted by the House.

The House then adjourned.

Wednesday, December 12.

The following resolution, offered yesterday by Mr. Cambreleng, came up for consideration:

Resolved, That the Secretary of the Treasury be directed to communicate to this House the correspondence with the president of the Bank of the United States, and the documents furnished by the latter relative to the arrangement made in Europe, on the part of the bank, for the postponement of the payment of the three per cent. stock of the United States.

Mr. WICKLIFFE observed that, on hearing this resolution read yesterday, it had occurred to him that it was not couched in terms sufficiently broad to cover all the documentary information which it was desirable that Congress should possess on this subject of the three per cents, and, on examination, he found that his first impression had been correct. The gentleman's resolution called only for the correspondence of the president of the bank in relation to the arrangement made for the purchase of three per cent. stock abroad. It did not embrace the correspondence between the president of the bank and the Secretary of the Treasury prior to such arrangement, and which correspondence might have been the very inducement which led to the measure itself. Mr. W. therefore moved to amend the resolution by adding a clause embracing all the correspondence be-the bank and the Treasury on the subject.

Mr. CAMBRELENG said that the gentleman from Kentucky had nothing in view but what he (Mr. C.) had also in view; but if the gentleman thought that his amendment would better promote the object, he would adopt it with pleasure as a modification.

Thus, as amended, the resolution was agreed to.

The resolution yesterday offered by Mr. Wickliffe for the printing of 10,000 copies of the report of the agent of the Treasury as to the existing condition of the Bank of the United States having been read—

Mr. CAMBRELENG observed that it would have been more gratifying to him had the gentleman so modified his resolution as to include the printing of the correspondence, to which the last resolution referred. He thought this far more important than the report now mentioned in the resolution. The call just made would probably be answered to-morrow, and if the gentleman would consent to postpone his resolution till then, the whole might be included.

Mr. WICKLIFFE replied, that he did not consider the correspondence referred to as so connected with the report of the agent of the Treasury that both should be included in the same pamphlet. From what he daily heard of the alarm occasioned by the Executive communications as to the safety of the national funds in the bank, he conceived it of the utmost importance that the antidote to that communication, proceeding from the same source as the poison, should be disseminated as speedily and widely as possible. His object was the safety and peace of the country. He desired to show to the people that the Secretary of the Treasury had been mistaken in the suggestion contained in his report, that the bank was not a safe depository for the national funds. He wished to do this by laying before them the report of the Treasury's own agent—a personal friend of the administration—a man of unimpeachable probity and of great intelligence, and who merited that highest of all characters—the character of an honest man; a man well known to the people of the Western country, and respected wherever known.

Mr. CAMBRELENG said that the gentleman, in his zeal to correct the errors of others, would find that he was leading the public into very dangerous errors, by disseminating the document he was so anxious to get printed; and at a proper time Mr. C. would endeavor to show how far the gentleman was himself mistaken. He should go into the subject with as much candor and fairness as possible, with a desire to do justice to both sides. He was of opinion that the Secretary had had good and sufficient grounds for the suggestion he had made, but he would not press the subject at this time; when the correspondence should come in, he should move for the printing of 10,000 copies of that communication.

Mr. POLK moved to postpone the further consideration of Mr. Wickliffe's motion until to-morrow. He thought the public would suffer nothing by so short a delay, but would, on the contrary, be benefited, by having an opportunity of seeing all sides of the question; not that Mr. P. had any objection to the publication of the report; let it go to the world; it was nothing, and professed to be nothing but a compendium of the monthly reports of the bank, which the agent had no possible opportunity or means to verify.

Mr. WATMOUGH opposed the postponement; it could produce nothing but delay. He was anxious that, before the House should go into the debate, it should be in possession of all the facts and documents necessary to its enlightened discussion of the subject.

Mr. BATES, of Maine, saw no force in this, as the House already possessed the ordinary number of copies of this document: the present question had reference only to the printing of an extra number. He demanded the yeas and nays on the question of postponement. They were taken accordingly, and resulted as follows:

Yeas 85, nays 101. So the House refused to postpone, and the resolution was agreed to.

ELECTION OF CHAPLAIN.

The House then proceeded to the election of a Chaplain, for which office several gentlemen were nominated. On counting the ballots, it appeared that the Rev. William Hammet, of Virginia, had received 108 votes out of 179, and was of course elected.

BANK UNITED STATES.

The House then resolved itself into a Committee of the Whole, Mr. Condict in the Chair, and resumed the consideration of the resolution proposing to refer so much of the message of the President of the United States as relates to the Bank of the United States to a select committee. The question being on the following amendment offered by Mr. Wayne, viz:

"With power to call for persons, and on the bank and its branches for papers, and to examine witnesses generally in reference to the operations of the bank."

Mr. SPEIGHT expressed his hope that the gentleman from Georgia would consent to withdraw his amendment. If any such powers as that amendment proposed should be found necessary to the proper discharge of its duty, the committee could at any time apply to the House to obtain them. Mr. S. was sorry the amendment had been introduced at all; as he believed it was the wish of all to avoid, if possible, a renewal of debate on the general subject of the bank. Indeed, he had at first thought of referring the subject by resolution to the Committee of Ways and Means; but, as the President had made it the subject of special observation in his communication to Congress, Mr. S. had concluded it proper and respectful to refer it to a select committee. The mere mention of the subject was always sure to be productive of great excitement in the House, and the friends of the bank complained of the injurious effect of such a debate on the stock of the bank. Were he a friend of the bank, (and he declared himself not to be its enemy,) he should consider the refusal of an investigation as the most injurious thing that could happen to the credit of the institution. He did not believe all the reports that were current; but if the committee needed the powers proposed, let them apply to the House, and they would be given.

Mr. WATMOUGH disclaimed all intention of embarrassing the action of the House, or seeking to thwart any course that might be deemed necessary and proper. But he was of opinion that before the House went into the discussion of the bank subject, it was desirable that it should be possessed of all the facts of the case, and all documentary evidence necessary to its enlightened action. The agitation of such a topic had a great effect not only on the fortunes of individuals, but upon the whole commercial interests of the country. When statements injurious to the credit of the bank came from so high a source as that House, and from sources still higher and equally responsible, such must naturally be the case. He was desirous that all the scrutiny should take place which any gentleman could ask or desire; but accusations of so grave a character should not be met by mere declamatory speeches; the House should be referred to accurate statements of fact. The charges were of a character very painfully to affect the character and feelings of honorable men, and should not lightly be made. What advantage could arise from the appointment of a select committee? Would Government be aided? Would commerce be benefited? Would the alarm which had been excited in our large cities be allayed? If gentlemen thought that the scrutiny gone into by the committee formerly appointed was not a severe one, they were greatly mistaken. Had that examination resulted in showing that the bank was not a safe depository for the funds of the Government, and that the conduct of the gentlemen who presided over the institution had not been upright and honorable, then he would be for the appointment of a select committee. But, as such a species of harassment was very touching to the feelings of upright and honorable men, such as Mr. W. was convinced the directors of the bank would be found to be, he was desirous of putting an end to mere *ex parte* statements; and his object in rising was to move to amend the resolution proposed by the gentleman from North Carolina, [Mr. SPEIGHT,] by striking out the words "select committee," and inserting the Committee of Ways and Means. He had no objection that the latter committee should be clothed with all the power the gentleman from Georgia wished to give them. He hoped that no one would suspect him of the slightest wish to shield the bank, or any individual connected with it, from the strictest scrutiny; but he did wish to shield from premature, unnecessary, and injurious imputations, men who, he was fully persuaded, did not deserve them. The document which had been ordered to be printed he considered as highly honorable to the individual from whom it came; and, with such a document before him, he could not but feel anxious that no party feeling, and no premature action, should be permitted to destroy or injure an institution so necessary to the safety and permanency of our national union as he considered a national bank to be.

The CHAIR reminded the gentleman from Pennsylvania that his motion would not be in order until the pending amendment should have been disposed of.

Mr. WATMOUGH then said that he would offer his motion as an amendment to the amendment before the House.

The CHAIR replied that it could not be received as such, because there was nothing in the pending amendment to which the gentleman's motion could adhere.

Mr. WAYNE said he was sorry that he could not comply with the wishes of the gentleman from North Carolina, [Mr. SPEIGHT,] by withdrawing his amendment; that it had not been made without due consideration; that the time which had since elapsed had more fully convinced him of its propriety; and had he needed any additional evidence, it would be found in the suggestion of the honorable gentleman. The gentleman wished his proposition to be withdrawn, and the whole subject to go to a select committee, without instructions; and if, in the course of their discussion, the committee should discover that they stood in need of such powers as Mr. W.'s amendment proposed to give them, the gentleman thought that would be time enough for the House to confer them; but this would not be approaching directly to the object on which he wished to move. If there was to be any investigation at all of the concerns of the bank, Mr. W. wanted that it should be known at once. He did not think it was fair; it was not fair to the bank to refer the subject to a select committee, who, at some distant period, were to be left to come to the House and apply for power to send for persons and papers, when the session should be so far advanced that no time would remain for any definitive action on the matter; for the gentleman could not forget that the powers of this Congress would terminate on the 4th of March next. Mr. W. said, that he felt no very strenuous desire that any thing should be done upon the subject this session; but if any thing were to be done, the sooner it was done the better. He had no doubt that the motives and intentions of the gentleman from North Carolina were perfectly fair and upright. The gentleman wished to get rid of the difficulty which he felt to be pressing on the House; but he put it to the gentleman to say, whether the course proposed by him would not lead to a delay that must effectually prevent any efficient action. Mr. W. wished that an investigation should take place, as to the alleged impropriety, on the part of the bank, in reference to the three per cent. stock. He was not prepared to say that any impropriety had taken place; but when the documents should come in, it would probably appear that the directors had pursued a mistaken course, although they might have been actuated by the best possible intentions. Mr. W. was not to be drawn aside from the course he had marked out for himself. The gentleman from Pennsylvania [Mr. WATMOUGH] wished the subject to be postponed; but could the gentleman desire that the state of doubt and anxiety which now agitated the public mind should continue? If there should be no report of a committee, the bank must continue to stand under the accusation which had been brought against it, without any thing to meet or counteract it but the report of a Treasury agent—a report which did not prove that the bank was in any better situation than had been apprehended, and which did not comport with the instructions given to that agent. Of that report he should not now speak farther, though he might hereafter have cause to examine it more particularly; but he asked the friends of the bank whether it was better to leave the institution in its present attitude before the public, or, by investigating its affairs, to test the truth of the allegation against it? Besides, the publication of that report placed those gentlemen who believed an investigation to be necessary in a situation which called upon them to act. The object in despatching that agent had been to ascertain the soundness of the debts due to the bank in the West; and what did his report contain? The agent's opinion as to the solvency of the bank, and a compendium of the monthly statements, put forth by the institution, of its own affairs.

Mr. **JENIFER** made some remarks, which were very imperfectly heard at the reporter's table. He was understood to say that the subject had come before the House in a manner for which they, as representatives of the people, were not responsible. After reading the communication of the President, and the report of the Secretary of the Treasury, he should have had no hesitation to say that he believed there must be some ground to doubt the solvency of the bank, simply because he never could have believed that such communications would have been officially made to the Legislature without good and substantial reasons; but, since then, the report had been received of an agent appointed by the Treasury itself, to examine into the affairs of the institution. He had done so, and what was the result? It amounted in sum to this: That the liabilities of the bank were for $37,000,000, and its assets to meet them were $79,000,000, leaving an excess of $42,000,000 in the hands of the bank. This surely was sufficient to prove that there could be no danger to the public funds. As to the debts of the West, the report pronounced them to be in a safe and wholesome state, and that no greater loss was to be apprehended in the collection of them than in collecting the same amount of money on the Atlantic seaboard. How, then, did the matter stand? The Secretary, in his report, called for an inquiry into the affairs of the bank; but that call had been made prior to the return of the agent. Had that officer made any call since? Was he not, or ought he not, to be satisfied with the result of his own inquiry? As no call had since been made, and as the investigation was not demanded by any member of the House, Mr. J. moved to lay the resolution and the amendments upon the table.

The **CHAIR** reminded Mr. J. that the House was in Committee of the Whole, and that his motion could not therefore be received.

He thereupon moved that the committee rise; but at the request of Mr. **POLK**, he consented to withdraw the motion.

Mr. **SPEIGHT** said, that he found himself between two extremes. Some gentlemen were for crushing the bank at once, others were for shielding it from all investigation. Mr. S. said he was no bank man, but was inclined to pursue a middle course. His opposition to this bank arose from the hostility he felt to banks generally. For what kind of an investigation had the President asked in his message? For such a one as should satisfy the House, whether the bank was, or was not, a safe depository for the public funds. The report of the agent of the Treasury declared that it was. There ended the question, if that report was to be believed. But he desired to refer the whole matter to a select committee; and if that committee, on farther investigation, should believe an investigation necessary, and if, in the prosecution of it, they should need further power, they would, of course, apply for it. The very reason urged by the gentleman from Georgia why such powers should be conferred on this committee, was, to his mind, the most satisfactory reason why they should not, viz: that the session was too short to allow time for their profitable exercise. He should vote against the amendment.

Mr. **ADAMS** said, that his own impression was, that the House should proceed in this matter on some principle of law. He was against the amendment proposed by the gentleman from Georgia, because the gentleman had not made out, to his mind, that the House had any motive for making the investigation he proposed. His amendment went to clothe the committee with power to send for persons, and to demand papers from the bank and its branches, and to collect testimony generally in relation to its affairs. And for what purpose? Yes, for what purpose? The law defined the only purpose, for which the House reserved to itself authority to inquire into the affairs of the bank. The 23d section of the bank law provided—

"That it shall, at all times, be lawful for a committee of either House of Congress, appointed for that purpose, to inspect the books, and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been by the same violated or not; and whenever any committee, as aforesaid, shall find and report, or the President of the United States shall have reason to believe, that the charter has been violated, it may be lawful for Congress to direct, or the President to order a *scire facias* to be sued out of the Circuit Court of the district of Pennsylvania, in the name of the United States, (which shall be executed upon the president of the corporation for the time being, at least fifteen days before the commencement of the term of said court,) calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited; and it shall be lawful for the said court, upon the return of the said *scire facias*, to examine into the truth of the alleged violation; and if such violation be made to appear, then to pronounce and adjudge that the said charter is forfeited and annulled: *Provided, however*, Every issue of fact which may be joined between the United States and the corporation aforesaid shall be tried by jury. And it shall be lawful for the court aforesaid to require the production of such of the books of the corporation as it may deem necessary for the ascertainment of the controverted facts; and the final judgment of the court aforesaid shall be examinable in the Supreme Court of the United States, by writ of error, and may be there reversed or affirmed, according to the usages of law."

The only purpose of the investigation was, to ascertain whether the bank charter had been violated or not. No charge was made that the bank had done so; no such allegation was to be found, either in the President's message, or in the Secretary's report. So far was this from being the case, that if any credit were due to the report of the special agent of the Treasury, there did not exist the slightest foundation for even the most remote suspicion that the charter of the bank had been violated. And this very section of the law went to show that Congress, in reserving to itself the power of investigation, had no intention that that House, on any light, frivolous, and unfounded suspicion, laid before it by any body, should enter upon so solemn an inquiry; but that the investigation should take place only when a well-founded reason should be shown to exist for believing that the charter of the bank had been violated. No such case was before the House; no such reasons had been presented to it. They were not to be found in the message of the President, nor in the Secretary's report. What had the President intimated in his message? Simply this: that there were suspicions that possibly there might be some hazard in continuing the Government deposites in the Bank of the United States. Admit the fact, and still there would be no need of a committee, because, by another section of the same law, the Secretary of the Treasury, whenever he should entertain any such suspicions, was authorized to withdraw the Government deposites from the bank. The entire responsibility was devolved upon the

Secretary; and that officer had no right to call upon the House to institute a committee to engage in an investigation that would occupy a longer time than the Congress itself would last, in order to ascertain whether it would be proper for him to exercise a power given to him or no. What said the law?

"Sec. 16. *And be it further enacted,* That the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank, or branches thereof, unless the Secretary of the Treasury shall, at any time, otherwise order and direct: in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

Here was no provision that the exercise of the Secretary's power should be preceded by an investigation on the part of Congress. In the nature of things, this would be improper. It was the duty of the Secretary to know enough of the affairs of the bank to guide him in that matter. It was his duty to know whether the deposites of the Government were safe or not. The responsibility rested by law upon the Secretary himself. He had no right to come to that House to call for the investigation now proposed, and which there was no time to [illegible]. Mr. A. said that the inquiry proposed by the amendment would be useless, nugatory, and improper. It would be taking off from the Secretary that responsibility which the law imposed upon him. This, he, for one, was not willing to do. If the Secretary had grounds of suspicion, it was his duty to act upon them, and send his reasons to the House; but, if he had no solid ground for such a step, it would be useless, and worse than useless, for the House to take off his official responsibility. If he had no ground of suspicion, it was his duty not to withdraw the deposites; if he had, it was his duty to withdraw them at once, and tell Congress his reasons for doing so.

Mr. THOMAS, of Md., said, the question now presented, and heretofore elaborately discussed by the gentleman from Massachusetts, [Mr. ADAMS,] in a report which his friends think does him great credit, is one which ought to be examined before we proceed to dispose of that part of the message now under consideration. If this House has no power to examine into the proceedings of the Bank of the United States, except to ascertain whether its charter has been forfeited, then, indeed, we are engaged in unprofitable debate. On that question the distinguished gentleman and himself were wide asunder as the poles. He might, perhaps, when adverting to the difference in years, and standing before the nation, of himself and the gentleman, shrink from this open avowal of an uncompromising difference of opinion, but for the fact that the doctrine of the gentleman was not sustained by the past action of Congress, or countenanced by the recorded opinions of some of the most distinguished men of whose fame the country could boast.

To all who doubted the illimitable powers of this House to examine into the transactions of the bank, Mr. T. would say, look to the letter of Mr. Dallas, Secretary of the Treasury of the United States in 1816, addressed to Mr. Calhoun, the chairman of the Committee of Ways and Means. That letter was not then before him, but its character was fresh in his recollection, and he maintained that its fair construction proved that the writer never doubted that Congress would have a right to appoint a committee to inquire into the solvency or insolvency of the bank, if the charter recommended by him should be granted. That part of the charter recommended by Mr. D., the proper construction of which is at this late day brought in question, was sanctioned by Congress; and we are now told that it does not confer a most important power, which it must be conceded Mr. Dallas designed should devolve on Congress.

Mr. T. insisted that the action of Congress in 1819 fully justified the construction of the charter for which he was contending. At that time rumors were prevalent like those which now filled the land. The bank was said to be on the verge of insolvency. The Congress of that day did not hesitate. They did not imagine that there was no conservative power by which the revenue of the Government could be preserved from the risk which appeared to await the monetary concerns of the whole country. He believed, almost without opposition, a committee was appointed to inspect the books and examine into the proceedings of the bank. That committee was not restricted to time, but was given ample time, and clothed, without stint, with full power to meet the emergency, and quiet the public apprehensions. On that committee were Mr. Lowndes, of South Carolina, the present Secretary of the Treasury, Judge Spencer, of New York, and others, distinguished for their high attainments and elevated patriotism. On looking into this report, the House would find that, without scruple, they examined the accounts of private individuals; they laid bare the secret transactions of the institution; and the course was subsequently sanctioned by Congress and the whole community. Mr. T. said he took particular pleasure in recalling to recollection these facts, as they furnished a precedent of the highest authority, by which he had been much influenced in the discharge of a duty recently devolved on him. This report he had closely examined, and would recommend to all who could doubt on this question, to go and do likewise. The precedent he quoted was entitled to great weight, from the character of the members of the committee. It was entitled to still greater weight, because Congress and the committee of 1819 acted under no party bias or excitement.

Mr. T. recalled to the recollection of the House two prominent features of the report of 1819: that part in which the maladministration of the bank officers was proved by the practice of making large loans or deposites of stock certificates, and of granting accommodations without the consent of the directors. No one would pretend that the charter of the bank would be forfeited by loans being made without personal security, or by others than the board of directors. When, therefore, the committee of 1819 pointed out such transactions as reprehensible, they manifested an entire ignorance of the new-fangled doctrines which would serve to cover enormous abuses of the present day.

Mr. T. said he must be excused for arraying the opinion of the distinguished gentleman from Rhode Island [Mr. BURGES] against that of the gentleman from Massachusetts. At the last session of Congress, when the gentleman from Georgia [Mr. CLAYTON] presented his famous bill of indictments against the bank, the gentleman from Rhode Island presented for our adoption a resolution expressly authorizing a committee to examine into transactions not amounting to forfeiture of the charter. The opinions of other members of this House could be quoted, but would only multiply authority. In the nature of the bank itself, Mr. T. maintained, was to be found the propriety of exerting the power in question. The stockholders of all private banks have a right to assemble and revise the proceedings of the directors. At such meetings (who ever heard it doubted?) they had a right to examine whether good security had been given for the repayment of any dollar loaned. The people of the United States are stockholders in the Bank of the United States to the amount of seven millions of dollars. The public revenue paid by the people for the support of the Government is collected by this bank. Of that fund the bank has on deposite seldom less than five millions of dollars, and sometimes fifteen millions at a time. The amount liable to pass through the bank annually is not less than twenty-five millions of dollars. Would it not be extraordinary if the people had no means by which to decide whether these large sums were in safe hands?

They cannot assemble in one body and inspect the books of this institution. They can only act on this great interest by the means of agents. This Congress is too numerous to act as such agents, and hence the propriety of devolving on a committee the power for which he contended.

Mr. T. said, he had refrained from entering at large into the considerations which ought to induce Congress now to exercise the necessary and important power for which he was contending. He had risen solely to lend his aid to vindicate the contested power of the House. He would, however, say, that enough was known, he thought, to justify the investigation recommended by the President. He knew that the bank had failed to pay part of the public debt when required to do so by the Secretary of the Treasury; although it is admitted that the United States has on deposite in the bank money enough due to the United States to meet the demand. We are told by the President and Secretary of the Treasury, on their high responsibility, that these facts, with others, have induced the fear that the public deposites are not safe in this institution.

We are farther told by these high officers that neither of them has power to call for the information necessary to remove or confirm their fears; and we are invited to exercise the power conferred on this House, by the charter of the bank, to direct a full investigation. When he looked to the momentous interests involved in this question, Mr. T. could not but believe that the request of the President and Secretary ought to be promptly complied with.

Mr. ELLSWORTH observed, that he had but a word to say. He thought the House was spending its time unnecessarily in the discussion of questions not strictly before it. An attempt had been made by the gentleman from North Carolina to divide the President's message, and to refer its several parts to appropriate committees. One of the resolutions he had offered went to refer this question of the bank to a select committee. To that resolution a gentleman from Georgia [Mr. Wayne] had offered an amendment, proposing to clothe the committee with power to send for persons and papers; and, thereupon, a question was now made whether Congress had any power to institute such an inquiry? Could there be any necessity of discussing abstract questions of this kind? Was it doing any kindness to the institution to say we had not power to investigate its affairs? The bank itself had urged no such objection: he trusted it never would. He should greatly regret to see the bank take that ground, and he was persuaded no gentleman on that floor was authorized to do so in its behalf. When the bank should deny the power of the House, it would be time enough for the House to examine its rights. For himself, he cared not whether the subject went to a select or to a standing committee. If the committee to which it should go came to the House for further powers, it would then be time enough to settle the question of granting them. Why should gentlemen lash themselves into a rage on such a question, till they should learn whether the committee found any need of the investigation? It was highly probable that no committee would ever ask for such powers. The only question which need now be settled was, whether the subject should be referred to a select committee. He hoped the House would decide one way or other, and proceed to distribute the message.

Mr. DEARBORN was understood to say, that when the gentleman from North Carolina had drawn up his resolutions distributing the several subjects in the message to appropriate committees of the House, finding that document to contain certain intimations with respect to the bank, which were altogether of a general character, and contained no specific charges against the institution, the gentleman felt himself warranted in referring the whole matter to a select committee. But what had happened since? The House had received from the Secretary of the Treasury the report of his own agent, containing full and plenary evidence that the bank was solvent, and the public funds in not the slightest danger. If the Secretary still entertained apprehensions, such as he had stated in his first communication, he would, no doubt, have made an intimation to that effect in the communication just received from him; but as none such was to be found in it, Mr. D. took it for granted that both the Secretary and the President were now satisfied that the affairs of the bank were in a sound, safe, and healthy condition. He could see, therefore, no reason for adopting either the resolution or the amendment. He thought both should be rejected, and that the subject should be referred to the Committee of Ways and Means. The alarm which had agitated our principal commercial cities would, he presumed, be effectually quieted by the publication of the report from the agent of the Treasury. As the House was now without any complaint against the bank, it was wrong to keep the public mind any longer in a state of excitement, and keep up the belief that there was reason to believe the bank an unsafe depository for the public money. As to abstract questions, relating to the power of the House, there was no need of going into them, since, as he had said, there was no complaint remaining against the bank. According to the statement of the agent, the stock of the bank ought, on mercantile principles, to be twenty per cent. above par. Under such circumstances, Mr. D. could not conceive what imaginable necessity there could be for the appointment of a special committee to investigate its affairs.

Mr. DANIEL said that he greatly regretted that there should have intervened a moment's delay in permitting the gentleman from North Carolina to dissect the body of his deceased patient, and shrouding him as soon as possible in the windingsheet that had been prepared. As to the investigation that was talked about, it could answer no good or valuable purpose; it would result in the same manner as a similar investigation had done at the last session. An investigating committee had been appointed then, and what had been reported by them? All the facts on both sides, every thing that went to sustain or to condemn the bank. As to the solvency of the institution, Mr. D. said he had evidence of it, which had not been adverted to, and which the gentleman from Georgia himself would not dispute, when he looked at the deep-toned message of the President. He found that officer had told the country that, if the bank should be rechartered, its stock would soon be fifty per cent. above par, and that just so much would go into the pockets of foreigners. Was this not evidence that the bank was solvent? If it was not solvent, its stock would be fifty per cent. below par. Placing the President's veto alongside of his message, what would be the result of the comparison? A pointed contradiction, that was all. Last year the Secretary had sent to the House one of the ablest reports that had ever been made, demonstrating that the bank ought to be rechartered. It was the ablest document Mr. D. had ever seen; so able that it had nearly converted him, though he was opposed to the bank. Now the same man came to the House with a declaration that the bank was in danger, and the public funds not safe. He made this statement the very day before his own agent returned. What for? Why could not he wait a day longer, till the report of his agent came in? Why could he not hasten his agent? As for himself, Mr. D. saw no danger either of the bank or of the public money. The gentleman talked much about unavailable funds, and had insinuated something about bad debts: now, all the bad debts due to the bank in the West had some time since been discharged at five cents and ten cents in the dollar. The insolvent debtor had been invited to make this composition, that the bank might clear its books of them, and the bad debts were not included in the forty-two millions reported by the agent. And what was that agent's report? Was it of a complexion to excite suspicion? What was the result? Why, that the bank, after paying all demands, possessed a balance of forty-two millions of dollars. Did this look like insolvency?

Mr. D. believed that there was infinitely more danger of the United States becoming insolvent than of the bank. The United States were insolvent: on the first of January next they would be 300,000 dollars worse than nothing, and this with an income of 31,000,000 and a large surplus in the treasury. He thought it would be much more appropriate to appoint a Committee of Retrenchment to find out where all this money had gone to. So far from the bank being insolvent, it had always been Mr. D.'s greatest apprehension that it would be too solvent, that it would swallow up every thing else: hence he had always been opposed to it, and should be opposed to it still, if his constituents were opposed to it. When they were against it he was against it; but now they were for the bank, and so was he. It was very well known that, in New York, there was nothing but speculation upon speculation in the funds of the country; it was carried to a most disgraceful extent, and for what? For the benefit of the country? No: to benefit individuals who were the favorites of the administration. For what else were these assaults upon the bank, when no man in his senses doubted its being solvent? Even the gentleman from Georgia would not express a doubt on that point; and the gentleman from North Carolina, who had so ably cut up the President's message, had told the House that he was no enemy to the bank, and that the question of its solvency was at an end. He thought the House had better do some business, and not waste whole days in disputing whether they should examine into a bank that they all knew to be perfectly solvent. Not a man of the House dare deny it: there was not one who could say that he believed that the funds of the bank were in any danger whatever.

Mr. POLK said, that nobody could be more anxious to stop this debate than he had been to prevent it. He had foreseen that it would be of a general and loose character, and tend to no useful end. Gentlemen resisted the inquiry proposed, by setting up the report of the agent of the Treasury against the message of the President and the Secretary's report, and seemed to take it for granted that the highest officers of the Government had thrown out, before the House and the nation, insinuations wholly unfounded in truth. And what was this report of the agent? What did the agent himself say that it was? A mere compendium of the monthly reports of the bank. That report gave the House no such information as it had learned from the gentleman from Georgia, that the bank held eight millions of unavailable funds, and that the amount of this sort of debts had been increasing for these eighteen years past. It was intimated by gentlemen that the arrangement which had been made with foreign stockholders was only to enable the bank to hold up the certificates of the three per cent. stock of which it might get control, in case the Government should not have means to redeem them. How did this matter stand? The Secretary of the Treasury had given public notice that the whole amount of the three per cents would be paid off on the first of July. The bank was apprized of this arrangement, and on its application the Treasury Department consented to suspend the redemption of one-third of this stock until the first of October, the bank paying the interest in the mean while. But, if the condition of the bank was so very prosperous, as has been represented, why did it make so great a sacrifice as to pay interest on that large amount for three months, for the sake of deferring the payment? The Secretary of the Treasury, on the 19th July, determined that two-thirds of the stock should be paid off on the 1st of October; and, on the 18th of July what did the bank do? It despatched an agent to London, without the knowledge of the Treasury, and for what? In effect, to borrow 5,000,000 dollars, for that was the amount of the transaction. From this fact Mr. P. inferred that the bank was unable to go on without the public deposites. They then made a communication to the Treasury, stating that the bank would hold up such certificates as it could control, to suit the convenience of the Government; but was it on this account that they sent their agent to London? Did the president of the bank himself assign this reason? No, he gave a very different account of the matter: he said that the bank apprehended that the spread of the cholera might produce great distress in the country, and that the bank wished to hold itself in an attitude to meet the public exigencies, and that with this view an agent was sent to make an arrangement with the Barings for withholding three millions of the stock.

Mr. WICKLIFFE here explained. The statement he had made was this: that the Secretary's letter to the bank, dated on the 19th, declared that the arrangement was in accordance with an understanding previously had with the bank. Would the gentleman deny that the Secretary wrote this?

Mr. POLK answered yes: and when the papers which have been called for should be received, the issue between himself and the gentleman from Kentucky could be decided. It was possible, and he stated it as mere conjecture, that some conversation might have taken place between the Secretary and the president of the bank in relation to the subject; but, he repeated, that this was mere conjecture. The Secretary knew that the revenue of the United States was constantly flowing into the bank, sometimes at the rate of half a million of dollars in a single week, and he therefore concluded that there might be funds sufficient on the 1st of October to pay off two-thirds of the three per cents. But if, peradventure, there should not be quite funds enough, he might have asked the president of the bank whether he, as the agent of Baring & Co., would agree to hold up certificates to the amount of the deficit, say 2 or 300,000 dollars, for a day or two, that is, to the 2d, or 3d, or 4th of October, until there should be Government funds to meet them. Some such conversation as this might have taken place. But could it ever have been contemplated that the bank, on such a ground as this, would send an agent abroad, without the knowledge of any branch of the Executive Government, to obtain for the bank the means of supplying the place of the public deposites, which it ought to pay over on the 1st of October? The agent was to get Baring & Co. to buy up American three per cent. stock, and place the money paid for it to the debit of the bank, and then the bank was to draw for the deficit in its funds if need should be. If Barings could not purchase to the amount of 5,000,000, the bank was to draw for the deficiency, paying an interest of four per cent. What was this but a direct loan? And, if so, did it not furnish grounds for suspicion at the Treasury that the bank was not a safe depository for the public funds?

If the institution was compelled to resort to such means to meet its engagements, did the fact furnish no ground of suspicion? Mr. P. said he apprehended that the instructions given to the agent were general and unlimited; but after the stock was bought, it was seen by the directors that to hold it would be a violation of the charter; and, accordingly, the act of the agent was disavowed. But still the great fact stared them in the face, that owing to an arrangement made by the bank, without the knowledge of Government, a portion of three per cent.

stock was actually withheld from the hands of the Government; so that it could not be redeemed though there were funds to meet it. To be sure, it was said that the bank paid the interest, and that, therefore, the Government sustained no loss. Very true; but still, the Government was liable: and the bank had, in effect, loaned out the Government deposites at six per cent., and borrowed money to replace them at four per cent., making a clear profit of two per cent. on the whole amount. This statement was uncontradicted by Mr. Toland, and it was, in itself, quite enough to raise a doubt as to the soundness of the institution. Something had been said about the Secretary's change of opinion; with that, Mr. P. had nothing to do. The Secretary may have been in favor of the bank upon principle, and still might have been induced to change his opinion from facts which had since come to his knowledge. On the whole, Mr. P. thought that there was abundant evidence that the House ought to go into the inquiry proposed. It was due to the bank itself; it was due to the Executive and to the country. If all that had been said was mere false clamor, none would be so much benefited by the exposure of its falsehood as the bank. Mr. P. apologized for having detained the House. There might be other grounds of suspicion in the minds of the President and of the Secretary with which he was unacquainted; but he thought those that had been stated were abundantly sufficient to warrant the action of the House.

Mr. WICKLIFFE said, that before the final vote should be taken, he would endeavor to probe this matter of accusation a little further. At present, however, he rose for the purpose of putting himself right as to a matter of fact. His statement had been that, on the 19th of July the Secretary of the Treasury had written to the president of the bank, that he intended to pay off the whole of the three per cent. stock, two-thirds on the first of October, and the remaining one-third on the first of January. But anticipating the possibility that there might not be funds in the treasury to meet the whole amount, he requested, in accordance with a previous understanding between him and the president of the bank, the latter would withhold so much of the three per cent. certificates as the bank could get control of. Mr. W. had said that this was in the Secretary's letter; the gentleman from Tennessee denied it.

Mr. POLK explained, and said that this was not the issue which he had intended to make with the gentleman. He had meant to deny a different proposition.

Mr. WICKLIFFE, in support of what he had said, read from a newspaper what purported to be a copy of the Secretary's letter. When the returns came in, the House would know whether it was so or not.

Mr. POLK said the proposition he meant to deny was, that the measure of the bank, in sending its agent to London, was not based on this communication or understanding between its president and the Secretary. He understood the gentleman to say that the instructions to the agent were dated on the 19th of July. This he denied; the instructions were dated on the 17th, whereas the Secretary's letter was not received till the 19th. The Secretary had intended that the bank should hold up a few hundred thousand dollars of the stock for a few days, and on this the bank had proceeded to make a loan of millions; and now the gentleman sought to represent the Government as having warranted that transaction. The Government had done no such thing. It was an affair of the bank alone.

Mr. CAMBRELENG said that he had not intended to enter this debate, but the conversation which had passed between the gentleman from Kentucky [Mr. Wickliffe] and the gentleman upon his right [Mr. Polk] obliged him to say that in defending the president of the bank the gentleman from Kentucky had taken ground which the president of the bank himself could not and would not take. That officer possessed too much candor, too high a sense of honor, too strong a sense of justice, to put this negotiation with the Barings on such a ground as the letter from the Treasury. He did not pretend to do so. The bank, as was well known, was itself the agent for the foreign holders of the three per cent. stock, and it could of course present the certificates of that stock or withhold their presentation, at pleasure. The Secretary of the Treasury had said to the bank, Congress is now in session; I cannot tell how much money they will appropriate, and therefore I am not certain whether I shall have funds to meet the whole of this three per cent. stock or no. If it shall turn out that there is a deficit, will not you, as agents of the foreign stockholders, withhold the presentation of their stock until I shall be able to meet it? To this the president of the bank assented. At the close of the session the Secretary discovered that he would be in funds to pay two-thirds of the stock, and he wrote the president of the bank to that effect

This was a simple statement of the affair. Would any man pretend to place a five million loan on such grounds? Whoever made the attempt did little favor either to the bank or its president. That officer himself took no such ground. He placed the transaction on the ground of the general distress of the country occasioned by the cholera. When the letters should be communicated to the House, it would appear that the one was not an answer to the other.

Mr. INGERSOLL thought that the gentleman from Tennessee [Mr. Polk] had fallen into an important error in point of fact. From his statement, it would appear that the Secretary of the Treasury had sent to Mr. Biddle, and entered into a solemn negotiation on behalf of the United States for the advance of 1 or 200,000, for which the Government professed itself ready to allow interest for a few days! Could any one believe that this was the whole transaction? The object of the negotiation was to relieve the Treasury, in case it should be embarrassed. The Secretary told the bank that if the whole stock should be paid off, the Treasury would be left with only 1,600,000 dollars in its favor, of which 1,400,000 dollars were mere trash—mere rags—the evidence of claims against some of those private banks where the Government formerly invested its funds. The Government would then possess a balance of only 200,000 dollars, and if 600,000 dollars, the amount of money to be distributed to claimants under the Danish treaty were deducted, the Treasury would be minus 400,000 dollars. Besides this, as much as five millions were appropriated by Congress: not all, indeed, to be paid within the year, but the Secretary did not know how much of it would be needed. If he did, (as he heard the gentleman from Tennessee, near him, say,) there was no evidence of it in the report before the House. He could not, therefore, believe that the representation given had been strictly correct.

The question being now taken on Mr. Wayne's amendment, it was negatived without a count.

The question then recurring on the adoption of the fourth resolution, as moved by Mr. Speight,

Mr. CAMBRELENG said he wished to call the attention of the committee to one point in the report of the Secretary in relation to this same subject of the three per cents, which he considered worthy of the action of Congress. It was very true that the Secretary was warranted to withdraw the public deposites from the bank, but the gentleman from Massachusetts would perceive that the charter left the power to do this in the hands of Congress, unless during the recess of its session. The Secretary was required to report his reasons for what he had done to Congress, and Congress was to have the final action in the matter. In regard to the manifold arrangements of the bank with the house of Barings, they were of a nature which called for the action of the House. Those transactions had been communicated to the Government shortly before the meeting of Congress; and though the Secretary might have withdrawn the public deposites on his own responsibility, he chose rather to submit the question to that House. Mr. C. thought it was at least due to the country, if the bank might intervene at any time between the Government and its creditors, and put it out of the power of the Government to pay its debts when it had the means, that the country should know it. The law had ordered the stock to be redeemed; the Secretary of the Treasury had directed it to be redeemed; yet an agent of the bank thought proper to interfere and postpone the payment, against the will of both. Possibly the bank might have strong reasons to justify its course; if it had, no doubt it would give them. But the subject, as it stood, was worthy at least of the appointment of a committee of investigation.

Mr. WATMOUGH now moved to amend the resolution of Mr. SPEIGHT, by striking out the words "select committee," and substituting therefor the words "Committee of Ways and Means."

The committee thereupon rose, and the House adjourned.

THURSDAY, DECEMBER 13.

THE CHICKASAW TREATY.

Mr. WICKLIFFE, of Kentucky, said it would be recollected that, at the last session of Congress, a report had been made by a committee, of which he was a member, touching the provision in a treaty concluded with the Chickasaw Indians, concerning a certain salt reservation; which report recommended that the report, with the the original papers concerning the transaction, should be transmitted to the Senate of the United States, as the treaty-making branch of Congress. Circumstances now induced him to present this proposition more directly to the House. Mr. W. then moved the following resolution:

Resolved, That the Clerk of this House be directed to communicate to the Senate a copy of the report, with the original documents accompanying the same, made by the Committee on the Public Lands, upon the subject of the Chickasaw treaty, and the reservation of four miles square in said treaty.

Mr. BELL, of Tennessee, said he should be sorry to throw any obstacle in the way of this proposition, if there were not principle involved in it. He presumed that no doubt could be entertained that all the information contained in the report referred to was either already in the possession, or within the reach of the Senate; so that concealment of it from the Senate could not be supposed to be any part of his objection to the resolution now under consideration. But his objection to it was, that it proposed an interference with the exclusive duties of the Senate, in regard to the ratification or non-ratification of a treaty. On that ground, solely, but decidedly, he opposed the resolution.

Mr. WICKLIFFE disclaimed entirely any disposition to invade the constitutional prerogatives of the Senate. His object was only to place before them information which might have an important bearing on business before them. It was true, he said, that the Senate, or some member of that body, might have seen or heard of the report which had been made to this body, and of the evidence connected with it; but it was not in any manner officially before them; for the original papers were now in possession of this House, although they might be of importance to the Senate in its action. He was not to know here what was before the Senate, acting in its executive capacity; but he was at liberty to suppose a case. He then supposed a case, which, as the reporter understood him, was, that the treaty heretofore referred to had never been placed before the Senate for confirmation; but that, failing to obtain, in violation of law, a sanction of the grant of ten miles square of the public domain (the Salt Spring tract) to particular individuals, the same commissioners had made a new treaty, which had been placed before the Senate for confirmation, by which the United States were to be required to pay money at the rate of a dollar and a quarter per acre for this very reservation, instead of granting the land itself. Now, he said, suppose such a case, and the information contained in the report of the committee of last session was necessary to enable the Government to act understandingly upon it, in reference to the interest of the Government. If the committee of this House were right in their report, this land was public domain, and not private property of the Indians, or any one else. And, if the Senate were not in possession of the fact, was it not the duty of the House to place it before them?

Mr. CLAY, of Alabama, said that he had an objection to the resolution, which had not been taken by the gentleman from Tennessee. The proposition was, to refer to the Senate a report of a committee of this House. The proposition was an extraordinary one, in any view, but extremely so, inasmuch as the report in question had not undergone investigation by this House. Such a thing had never before, he presumed, occurred in the Government. Besides, said he, have we heard that any treaty on this subject is before the Senate? Would it not be at least proper to wait until we are called upon by that body for these papers, before we offer to send them? But the first objection which he had stated to the resolution was sufficient. The proper course for the gentleman would have been first to move for the consideration of his report, upon which the House could then act understandingly.

The question on agreeing to the resolution was then decided by yeas and nays, as follows:

YEAS.—Messrs. Adams, Allen, Allison, Archer, Armstrong, Arnold, Babcock, Banks, Barber, Barnwell, Barstow, Bates, Branch, Briggs, Bucher, Bullard, Burd, Burges, Cahoun, Choate, Collier, Condict, Condit, Cooke, Cooper, Corwin, Crane, Creighton, Dearborn, Dewart, Dickson, Ellsworth, Evans, E. Everett, H. Everett, Felder, Findlay, Fitzgerald, Grennell, Heister, Hodges, Hughes, Huntington, Ingersoll, Cave Johnson, Kendall, Marshall, Maxwell, R. McCoy, McKennan, Mercer, Milligan, Newnan, Pitcher, Potts, Randolph, Reed, Russell, W. B. Shepard, Slade, Southard, Stanbery, Storrs, Taylor, Tompkins, Tracy, Vance, Vinton, Washington, Watmough, E. Whittlesey, F. Whittlesey, Wickliffe, Young—74.

NAYS.—Messrs. Anderson, Angel, Barringer, Bell, Bergen, Bethune, James Blair, John Blair, Boon, Bouck, J. Brodhead, J. C. Brodhead, Cambreleng, Carr, Chandler, Chinn, Claiborne, Clay, Coke, Connor, Coulter, Craig, Crawford, Davenport, Dayan, Doubleday, Drayton, Draper, Ford, Foster, Gaither, Gilmore, Gordon, T. H. Hall, W. Hall, Harper, Hawes, Hawkins, Hoffman, Hogan, Holland, Horn, Ihrie, Jarvis, Jenifer, Jewett, Kavanagh, Kennon, J. King, H. King, Lamar, Lansing, Leavitt, Lecompte, Lent, Lewis, Mann, Mardis, McCarty, W. McCoy, McIntire, McKay, Muhlenburg, Newton, Patton, Pearce, Pendleton, Pierson, Plummer, Polk, Rencher, Roane, Root, A. H. Shepperd, Smith, Soule, Speight, Standifer, Stephens, Sutherland, Francis Thomas, P. Thomas, W. Thompson, J. Thompson, Verplanck, Wardwell, Wayne, Weeks, C. P. White—91.

So the motion of Mr. WICKLIFFE was decided in the negative.

BANK OF THE UNITED STATES.

The Speaker laid before the House a communication from the Secretary of the Treasury, accompanying the correspondence between the Treasury Department and the president of the Bank of the United States, and the papers relative to the arrangement entered into by the agent of the bank, for the postponement of the redemption of the three per cent. stock, called for by the resolution adopted by the House on yesterday.

Mr. WICKLIFFE moved that 10,000 copies of it be printed; which having been agreed to,

Mr. CAMBRELENG said, that it was obviously desirable that the public should have the best opportunities afforded them of forming a correct opinion of the bank, and suggested that the document received to-day should be appended to the one previously ordered to be printed, so that they might go forth in conjunction. Would the gentleman from Kentucky, [Mr. Wickliffe,] oppose a proposition to that effect?

Mr. WICKLIFFE thought the documents should be separate. One of them was intended for the information of the business part of the community, and the other was to suit the purposes of a knot of politicians. His (Mr. W.'s) part was to forward the information to his constituents, who were men of business.

Mr. CAMBRELENG said he would then move to append the documents now received to the former ones. The gentleman from Kentucky talks about the business portion of the nation. Sir, I am anxious that the business men of this country should see in what difficulty the bank was involved in July and August last, when it sent out a commissioner to negotiate a loan in England for five millions of dollars; not for the benefit of the commercial community; not for the benefit of the Government; but for the benefit of the bank: to meet its own wants in its widely extended concerns, not only throughout this country, but throughout all Europe.

If the bank did not make this loan on its own account, then its friends are driven to the hard necessity of admitting that the bank speculated on the deposites of the Government, and was concerned in the poorest and most petty stock-jobbing speculation under the sun, to gain some one or two per cent. on the loan. It would be doing injustice to the character of the president of the bank to admit such a supposition. What! a dignified and extensive institution like the Bank of the United States make a loan like this, and get the payment of the three per cents deferred for the sake of realizing the difference of interest! The bank had no such object. They borrowed because it could not pay the stock, although it had the deposites of the Government in its hands. No, sir, it could not pay in May, nor in January or July, nor in September, nor in October neither. And I here predict that in October, 1833, there will be another negotiation of the same kind. To tell business men that the bank would engage in such a loan, except from sheer necessity, is to tell us what we cannot believe. The country never will believe that the bank would engage in such an operation merely as a stock-jobbing scheme.

Mr. WICKLIFFE: I have heard so much said of the inability of the bank to pay for this three per cent. stock, and especially from a particular quarter of this House, and a particular quarter of the Union, that I have been led within the last three or four months to look a little into this primer, (holding up a large volume of the report of the Bank Committee of last session,) that I might see for myself how far the facts collected by a select committee of this House corresponded with the newspaper statements I had read. I had designed to advert to this in Committee of the Whole yesterday. The gentleman from New York [Mr. Cambreleng] appears now as a "premonitory symptom," and to announce to the stockholders in Wall street the probability of the failure of this national bank. If the gentleman will turn to this volume, he will there find the evidence of a man whose honor he will not impugn, and whose testimony was procured at his own instance. He will find it at page 520 of this document; and will the gentleman, in the face of this evidence, state, in his place, that the bank was not able to meet the engagements of the Government? Will he say so in contradiction of this testimony reported to this House by himself? Sir, as we are debating this question, not so much to enlighten our own judgment, as to get a pretext for doing that which it has been determined shall be done—yes, sir, determined shall be done; not in this House, but out of this House—I mean that the deposites of the Government shall be withdrawn from this bank to be placed elsewhere—the gentleman knows— let me call the House to the facts in reference to this subject of the three per cent. stock.

After all that has been written, published, and spoken here and elsewhere by those opposed to the continuance of the bank, said Mr. W., not a newspaper, not a writer or a speaker has ever once furnished to the public the evidence embodied by the gentleman himself upon this subject, and which contradicts flatly the statements made. Would the House allow him to read it, that the public might in this form obtain correct information?

Question to the president of the bank.

"Question. Will you please give a copy of the correspondence connected with your application, in March last, requesting a suspension by the Government of the payment of a portion of its debt intended to have been made on the 1st of July next, or a statement of the arrangement made in relation to that subject?

"Answer. I have made no application to the Government, nor have I requested any suspension of the payment of any portion of the public debt.

"The inquiry, I presume, relates to this circumstance: I received a letter from the acting Secretary of the Treasury, dated the 24th of March, 1832, informing me that the Government was about to issue a notice on the 1st of April, of their intention to pay, on the 1st of July next, one half of the three per cent. stock, and to do it by paying to each stockholder one-half the amount of his certificate. He added, 'If any objection occurs to you, either as to the amount, or as to the mode of payment, I will thank you to suggest it.'

"Thus invited by the Government, in a communication marked 'confidential,' to give my opinion on a measure contemplated by the Government, I felt it my duty to express my views of its probable operation. In my reply, therefore, dated the 29th of March, I stated 'that so far as the bank is concerned, no objection occurs to me, it being sufficient that the Government has the necessary amount of funds in the bank to make the contemplated payment.' I then proceeded to observe, that in the present situation of the mercantile community, and with a very large amount of revenue [amounting to nine millions] to be paid before the 1st of July, the debtors of the Government would require all the forbearance and all the aid which could be given to them; and that the payment proposed, by creating a demand for the remittance of several millions of dollars to the European stockholders, would tend to diminish the usual facilities afforded to the debtors of the Government, and might endanger the punctual payment. For this reason, I thought it for the interest of the Government to postpone the payment till the next quarter. I further stated, that the plan of paying to each stockholder only one-half of his loan would not be so acceptable as if his whole loan were repaid at once.

"Having thus performed my duty, in giving the opinion asked, I left it, of course, to the Government to decide. On the part of the bank, I sought nothing, and requested nothing. After weighing the circumstances, the Government were desirous of adopting the measure;

but the difficulty I understood to be this, that the sinking fund would lose the quarter's interest, from July to October, of the sum intended to be paid in July, and that the Government did not feel itself justified in making the postponement, unless that interest could be saved; but that it would be made, provided the bank would make the sinking fund whole on the 1st of October. To this I said, that, as the bank would have the use of the fund during the three months, it would consent to save the sinking fund harmless, by paying the three months' interest itself. And so the matter stands.

"Now, it will be seen that, in all this, the bank has had not the least agency, except to offer its opinion, when it was asked, in regard to a measure proposed by the Government, and then to offer its aid in carrying that measure into operation."

"Treasury Department,
"*March* 24, 1832.

"Dear Sir: It is believed that the means of the Treasury will be sufficient to discharge one-half of the three per cents on the 1st of July next; and it is proposed to give notice accordingly on the 1st of April. It is not intended to determine by lot the certificates that are to be paid, but simply to pay one-half of each certificate, on presentation at the proper loan office.

"If any objection occurs to you, either as to the amount, or as to the mode of payment, I will thank you to suggest it.

"I shall be glad to be informed of the amount purchased under your direction, though I am not aware that it can have any influence upon the proposed measure. As the purchases will cease on the appearance of the notice, it may be as well for you to direct the account to be closed with the termination of the present month, and rendered to the Treasury for settlement.

"I am, dear sir, very sincerely and respectfully yours,
"ASBURY DICKENS,
"*Acting Secretary*.
"N. Biddle, Esq."

Did not this very gentleman from New York, [Mr. Cambreleng,] acting as the friend of the commercial community, interpose his own request to the Treasury, that it would stop the payment of this three per cent. stock? And was he the only gentleman unfriendly to the cause of the bank who pressed such a measure on the head of the Treasury? [After waiting for a reply, Mr. W. proceeded.] Yet we are told, and told, that the bank was unable to meet the payment of the stock on the 1st of July. I will now inquire what amount of the public debt the Government proposed to pay in 1832? According to my recollection, not 15,000,000. Probably about 10,000,000. It might be well enough, too, to inquire why, about three days after the adjournment of Congress, the Government engaged to pay 15,000,000, when they knew there would not be money enough in the treasury to meet it? It will not, of course, do for me to say that it was done purposely to embarrass the bank, and to add to the weight thrown against it by a certain very popular document. So much for the postponement of the three per cents.

As to the negotiations of the bank in Europe, I shall look into that subject when I shall have had time to examine the documents now submitted to us upon the call of the gentleman from New York. I cannot consent to append his document to mine, because I consider the one as peculiarly fitted for the use of political stock-jobbers, but the other adapted to enlighten and satisfy the commercial community in this country. The gentleman seems to fear the effect of having this document put into their hands, lest they should become satisfied as to the safety of their funds as at present deposited, and the Treasury should hear their voice thundering back a prohibition against their removal.

Mr. CAMBRELENG: There are many diseases in our land, besides the cholera; there are many kinds of fever; and among the rest there are political fevers, which have their premonitory symptoms in like manner. There is a disease which has been very prevalent in this country, and which has been remarked to rage most violently in those particular cities where the national bank has its branches established; it is called by some the bank fever. I do not myself know whether any gentleman of this House is or is not affected by this species of fever; but I have heard of one case of the bank running against a gentleman of this House, who found it a most formidable opponent indeed; so much so, that he was heard to express the hope that the Bank of the United States would not be set up as a candidate for the Presidency. This bank fever is said to prevail in certain other portions of the United States, and some symptoms of it are even said to have appeared in a certain gentleman—I do not know exactly where, but I believe somewhere beyond the mountains. I should like to be as much benefited by my premonitory, as I understand that that gentleman was.

Sir, the gentleman from Kentucky [Mr. Wickliffe] talked about "stock-jobbing," and about "Wall street." I thank God that no one has yet been able to bring any imputation on me as a man of business. Whoever aims the blow, "our withers are unwrung;" but if the gentleman shall push the inquiry, he may perhaps discover that some of his own friends have been concerned in that business in a manner which deserves the censure of this House, and the reprobation of the country. I will give the gentleman facts, from the document published by his own authority, and yesterday brought into this House; and now to put aside at once the whole of what the gentleman from Kentucky has said, I ask the House to hear what the president of the bank himself says concerning the causes of the foreign negotiation of the bank for a loan of 5,000,000 dollars. It is true that the letter of the Secretary of the Treasury is lugged in; but, unluckily, the truth has displayed itself, in spite of all the ingenuity of the writer to conceal it, whoever he was.

"It is easy for the Government, when it has fifteen millions of revenue scattered over the whole country, to direct that, on a given day, so many millions shall be paid at a given place. But as in our moneyed system these millions are not accumulated in the bank, but lent out to be used by the citizens until they are wanted, the detail of thus withdrawing them from business requires the greatest precaution, or infinite injustice may be done to the community. It was with this view, and with this view exclusively, that the bank, in order to weaken the pressure of so exhausting a drain upon the country, at a period of general dismay, thought it would be useful to obtain the control of from three to five millions held in Europe, of most of which the bank was the agent, until the business of the country should have time to resume its usual course, and the community might recover from its confusion."

Now, men of business understand perfectly well what the means of the bank are in a time of public distress, though, unhappily, others do not. The means of a bank are, and must be, greater when there is a stagnation of business than when money is in rapid circulation. In ninety-nine cases out of a hundred, every bank will have surplus capital at such times. Now, if the Bank of the United States, at a time when the Western notes were not pressing upon it, was unable to meet the demands of the Government, and pay up the three per cents, when can it do so? Gentlemen may rely upon it, that the difficulties experienced by the bank next October, will, unless some efficient means shall be taken by this House to prevent it, be greater than they are now.

The world is now at peace; but within the next three months war may be lighted up, not only in Europe, but here also. May God, in his mercy, prevent it! May Heaven, in its infinite mercy, spare the blood of my countrymen! How will the bank be able to meet its engagements then, when it is unable to do it in a time of profound peace?

The gentleman referred to a transaction which happened at the time I was in Philadelphia. The president of the bank urged my colleague on the Bank Committee, the gentleman from South Carolina, [Mr. McDuffie,] to write to the Secretary, requesting him to postpone the payment of the three per cents until October. That gentleman asked me whether I concurred in the request, and requested that I would also write. I did so, but I acted on the same ground which I take now. The bank had loaned out the deposites of the Government to the commercial community. As the evil was done, and the bank had overtraded, I did write to the Secretary in favor of the proposition; but I also stated my reasons, and they were the same which I now state to this House. I advised the postponement, in order that the commercial community might not be thrown into embarrassment on account of the mismanagement of the Bank of the United States.

Mr. WICKLIFFE: Before I proceed to make a few remarks in reply to what has fallen from the gentleman on the other side, I should like to know from that gentleman whether I am the individual west of the mountains to whom he alludes.

Mr. CAMBRELENG: I believe it was the gentleman from Kentucky.

Mr. WICKLIFFE: Then I am happy to have this occasion of compelling the editor of the Government newspaper in this city of admitting into his columns, by a faithful report of this debate, a contradiction to his own propagated falsehood. I could not ask him to do it, and have not done so, because he refused, on a former occasion, to publish a contradiction, in respectful language, and by positive proof, of a falsehood published in the same paper against me. The gentleman from New York alluded in his remarks to an article which had its origin in that great national foundry of slander and calumny, which has been established within these ten miles square, called "The Globe."* Upon inquiry, he will be unable to find that I have ever received, in any shape, favors from the Bank of the United States. I wish I could say the same of the gentleman, [Mr. Cambreleng.] He, I believe, was employed by the bank to select a suitable site for a new branch of this bank in New York. What he received for the job, he best knows. A gentleman near me says $1,000. It is very true, that, having preferred principles to men, the interest of country to the mandate of party, or the advancement of unhallowed purposes, I differed from my party on the question of rechartering the Bank of the United States, and probably in that fact the motive must be found for assailing me in the article alluded to. Perhaps the gentleman may know more about this than I do. He who operates on a machine may usually be expected to be best acquainted with the reasons for its movements. The article reads as follows: I find it transferred into a kindred print, accredited to the Globe.

"Charles A. Wickliffe, of Louisville, Ky., has been appointed by the bank agent for collecting in Kentucky, with a compensation which will amount to at least $10,000 a year."

Allow me to say, here in my place, (and I say it in order that the declaration may find its place, through the report of debates, in the same place where the slander had its origin,) that the assertion here contained is utterly false in every part and particular. I never had any contract with the bank, in any form; I never had a moment's conversation with its directors, or its officers, or agents, on the subject of collecting the bank debts. Will the gentleman now withdraw his endorsement of the slander?

Mr. CAMBRELENG: I am very happy to hear that the gentleman has no connexion whatever with the Bank of the United States, and that what has been alleged against him is unfounded in truth.

Mr. WICKLIFFE: The gentleman wants an account of my election compaign. I could, were he in Kentucky, instruct him how we in the West ascertain public sentiment and enlighten its judgment. We do not do it there by force of committees and party discipline. We meet the falsehoods of a corrupt press, and their supporters, if they have any, openly, before an honest, intelligent people, discuss them, and put them down. That is the way we do things in Kentucky. It is very true that, in 1831, many of those who were opposed to my election urged that because I was friendly to General Jackson, and that he was against the bank, it would not be safe to elect me; and what said the friends of the administration then? General Jackson is not opposed to the bank. He is in favor of the bank; he will recharter it with proper modifications. Sir, we once met there very much as the "Hickory Club" did the other night in this city, (I have got a list of them here before me,) and we drank toasts too. I soon saw what the game was going to be—I saw the bill of sale which was to transfer the Jackson party in my district—the gentleman knows to whom. I did not like the bill of sale; I chose to have a privilege which every slaveholder in our country allows to the slave he is going to sell—the privilege of choosing his own master.

In answer to the allusion made to myself on one of these occasions, I said, jocularly, that I hoped the bank would not run for Congress. Is the gentleman satisfied now?

Mr. CAMBRELENG: Not entirely.

Mr. WICKLIFFE: So much for the gentleman's allusion to myself; and I am glad that the refutation will find its way into those papers where, save in reports of the debates of the day, it never else would find a place.

I have nothing more against appending the two reports to each other, than what I have already said. I think the gentleman's document better suited to politicians than to the sober business part of the community. I am not myself in the habit of bringing forward newspaper slang against gentlemen in this House. I made no imputation against the gentleman on the subject of stock-jobbing, though the materials are before me. I leave that subject between him and his constituent, who has preferred the accusation. I only said that one of these documents would convince the really reflecting business men of the country that the national bank was a safe depository for the national funds, at least safer than certain State banks; while the other was more suited to the political part of the community.

I remarked, at first, that this whole affair had been got up as a pretext for withdrawing the Government deposites from the existing bank. I do not believe that there is a member of this House who will rise in his place and say that he believes the bank has manifested any inability to meet the demands and wants of the Government, or that he is satisfied it is no longer a safe depository for the national funds. No man has yet said that; and I am confident no honorable man will say it. As to this document, I will give the gentleman from New York all the benefit he can make out of it. I shall send to my constituents that which I believe they will have time to read. I do not want another such document as the Bank Committee's report of last year—a volume so formidable in its outside appearance, that no man will have the courage to attempt to get through it; the consequence was, that each man believed the account of the matter which he found in his own paper; insomuch, that it is doubtful whether the whole truth of this matter had ever been published at all. One thing is certain, that no administration paper in the country has ever published this testimony of Mr. Biddle, or the proof that the gentleman from New York himself applied to the Treasury to have the payment of the three per cent. stock suspended. I, myself, knew long ago that the action of the bank was in perfect accordance with the wishes of the Treasury, and thought it was the gentleman himself, and his friends, who pressed the Secretary to suspend the payment of the stock; yet the gentleman stands here and says that the bank begged for time.

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* (*Note by Mr. Wickliffe.*)—In the Globe of yesterday, the editor attempts to escape from the responsibility of publishing the falsehood and calumny above, by saying its editor had it from a respectable source in Philadelphia. It is not believed that he can give the name of any respectable man who is willing to father this calumny. Until he does so, the community will consider him, as the conductor of a public press, responsible for the libel. Mr. Wickliffe was misunderstood by the reporter, as it would appear from the article in the Globe. He did not say that the editor of the Globe had refused to do him justice, by admitting a contradiction of the statements above in his paper, but said that on a former occasion, when injustice had been done him in the columns of that paper, he had been denied the privilege of self-defence. Mr. W. never asked the editor of the Globe since, in any case, to correct the errors of that journal.

Mr. CAMBRELENG: As the gentleman from Kentucky appears so desirous of showing one side only of this question to his constituents, and keeping back the other, with a view to the gentleman's accommodation, I will withdraw the motion I made for connecting the two documents, and consent that they shall be printed separately.

The House then, on motion of Mr. SPEIGHT, went again into Committee of the Whole on the state of the Union, Mr. TAYLOR in the chair; and the question being on Mr. WATMOUGH's motion to amend the resolution of Mr. SPEIGHT, so as to refer so much of the President's message as related to the Bank of the United States to the Committee of Ways and Means—

Mr. WATMOUGH said he felt himself bound to adhere to the amendment he had proposed, and at the same time must express his regret at the continuance of this debate. He had yesterday refrained from stating his views to the committee, from a consideration that no good could result from retarding the action of the House, and delaying thereby the many important matters of public business which were before it, and which must be acted on in a short session of Congress. He repeated his conviction that no desirable result was to be obtained by the debate. Statements were made on one side, which were necessary to be rebutted on the other; and a feeling of excitement was originated which had no natural connexion with the matter under consideration. He earnestly urged the committee to come to a decision on the subject, and to have the whole of the document before the House. His own course in the business was plain: he was there as the organ of his constituents, and their opinions had not only been expressed to him individually, but promulgated to the world. Mr. W. here alluded to a remark made on a former day, that he was the advocate of the bank; and observed that, although he was anxious not to offend either the personal or party feelings of any one, yet he must disclaim the imputation which the terms conveyed. On the subject of the bank he had formed his own opinions, as he had an undoubted right to do; and, in accordance with these opinions, he had always acted, and always should act. But he appeared in that House not as the advocate of the bank, but as one of the representatives of the people; as a representative more immediately of the people among whom the bank is situated, with whom most of the directors of that institution were brought up and resided, and to whom those directors were personally known. He concluded by repeating that he could not withdraw the amendment which he had proposed.

Mr. WAYNE, of Georgia, explained, in a very urbane manner, the sense in which he had used the words alluded to. He disclaimed all idea of using them in an invidious sense, as he trusted all who knew both him and the gentleman from Pennsylvania [Mr. WATMOUGH] must be aware.

Mr. WATMOUGH was fully satisfied with the explanation, and, indeed, should not have adverted to the circumstance but from a sense of what might be thought due to his constituents.

Mr. SPEIGHT was sorry that the gentleman from Pennsylvania [Mr. WATMOUGH] had deemed it necessary to make another bank speech this morning; but to avoid a prolongation of the discussion, he would accept the proposed amendment. He (Mr. S.) had, indeed, been of opinion, when he adopted the series of resolutions, that the subject should be referred to the Committee of Ways and Means; but the consideration which he had formerly stated, of the extent and importance of the business which would come before that committee, had induced him to change its reference, and move for a select committee, which would have full time to devote to the matter.

The resolution was then modified, so as to read, that so much of the message as relates to the Bank of the United States be referred to the Committee of Ways and Means.

The twelfth resolution was that it be

Resolved, That so much of said message as recommends an amendment of the constitution in relation to the election of President and Vice President, be referred to a select committee.

Mr. ROOT observed that, upon this subject, the President had, during four successive years, expressed an opinion in his annual communication to Congress. Their attention had been repeatedly called to this important question by the Executive; and he (Mr. R.) had, on the 2d of March last, submitted to the House a series of resolutions in relation to it. At that time he had made a proposition, for the purpose of carrying into effect the recommendation of the President. The resolutions were committed to a Committee of the Whole House, which was ultimately discharged from their consideration, and the subject was referred to a select committee. That committee presented a report, and the report and the subject were sent to the Committee of the Whole on the state of the Union. The whole question, therefore, stood at present within the control of the Committee of the Whole on the state of the Union; and he wished the House to understand that it was his intention to call their attention to the report and resolutions. As it was unnecessary for him to dwell further upon the subject now, he should conclude the few remarks he had deemed it necessary to offer, by submitting an amendment to refer that part of the President's message which adverted to the election of President and Vice President, and also an amendment to the tenure of their offices, to the same Committee of the Whole on the state of the Union, to which the resolutions offered on the subject, on the 2d of March, 1832, had been committed.

Mr. SPEIGHT accepted the amendment as a modification of the original resolution, and it was agreed to by the committee.

The other resolutions, as annexed, were then agreed to.

Mr. DANIEL offered a resolution, that so much of the message as relates to the exercise of doubtful powers, be referred to a select committee.

The resolution was agreed to.

On the motion of Mr. SPEIGHT, the committee then rose and reported the resolutions to the House.

In the House, Mr. POLK moved to amend by striking out the words "bank stock," and inserting, so as to include all stocks held by the Government in incorporated companies, to the Committee of Ways and Means. Mr. P. shortly stated the reasons which had induced him to move the amendment; and contended that though the bill for subscribing the stock in question originated in the Committee of Internal Improvement or the Committee of Ways and Means, yet the subject was one strictly of revenue; and its proper distribution, therefore, was to the Finance Committee.

Mr. MERCER said he felt it his duty to repeat the remarks he had made on a former day. That part of the President's message, to which the honorable gentleman from Tennessee had offered an amendment, was a suggestion that an undue influence might arise from the possession of shares of stock in incorporated companies. It was not a suggestion that the revenue was wanted which would arise from the sale of the shares then held by the Government. If this had been the case, nothing would have been more appropriate than the reference of the subject to the Finance Committee: but the inquiry was of a different character, and the Committee of Ways and Means had not the opportunity of answering it. Might not that committee, which was acquainted with the nature of this kind of property, and of the influence arising out of it, as well as what it would be worth if brought into the market; ought not such a committee, he would ask, be supposed to be best qualified to decide as to the expediency of continuing the Government investments in such property? He hoped it would be referred to the Committee on Roads and Canals.

Mr. CAMBRELENG said the paramount question appeared to him to be whether the funds of the Government should be invested in the kind of property alluded to. It did not relate to the value of the present stock it held in incorporated companies, nor had it any reference to roads and canals: it was formally a question of finance, a question as to the employment of the funds of the Government. For his own part, he thought the principle on which they were applied to the purchase of shares of stock in any incorporated companies was a bad one, and that the Government ought not so to apply its funds: but be that as it might, it was evidently a question of finance, and therefore should go to the Committee of Ways and Means.

Mr. MERCER said the gentleman from New York did not apparently see that there might be reasons for selling bank stock held by the Government, wholly inapplicable to the stock it had in roads and canals. The influence derived from the one was altogether different from that which was derived from the other. The power of promoting works of improvement and public utility, by subscription for shares of stock, was a circumstance which rendered it entirely distinct from the purchase of bank stock. But the gentleman had evidently prejudged the question, for he had declared his opinion that Government should not have any shares of stock in incorporated companies. He (Mr. M.) thought, under all the considerations which he had suggested, there was a peculiar propriety in referring the subject to the Committee on Roads and Canals.

Mr. CAMBRELENG briefly replied, after which,

Mr. ELLSWORTH said, it appeared to him that the disposition of this question was intimately connected with that of another question; namely, whether the Government should make any further investments of its funds for the improvement of the country. It could hardly be supposed, if they came to the determination to sell the stock they then held, that they would, in future, make any new investments of this character. For this reason, he thought the subject should be referred to the Committee on Roads and Canals. He should not then say whether he thought this employment of the Government funds politic or impolitic; but if an examination was to take place, with a view to an ultimate decision of the question, he thought the committee he had just named was particularly qualified to carry on the examination, and to lay before the House all the information which could be obtained on the subject. If he could regard it as a mere question of finance, it might as well, perhaps better, be referred to the Committee of Ways and Means. But he looked upon it in a different light, and should, therefore, support its reference to the Committee on Roads and Canals.

The debate was further continued by **Mr. POLK**, who pursued his former argument, that the stocks subscribed for by the United States were matters of revenue, and, as such, the consideration of them appertained to the Committee of Ways and Means.

Mr. MERCER replied; and the yeas and nays being taken on the call of **Mr. JARVIS**, the motion was agreed to by a vote of 91 to 77.

Mr. STEWART asked if it would be in order to insert the words, "except canal stock," so as to except that description of stock.

The amendment was decided to be out of order.

Upon the seventh resolution, a question of order arose as to whether the decision of the House, on the fourth resolution, had not fixed the destination of the subject.

After some remarks from **Mr. MARSHALL**, **Mr. MERCER**, and **Mr. POLK**,

Mr. POLK moved to strike it out of the series; but before a decision was arrived at, the House adjourned.

Friday, December 14.

COIN AND BULLION.

Mr. ROOT offered the following:

Whereas, by the act of the 2d of April, 1792, establishing a mint, and regulating the coins of the United States, the American dollar, of the value of a Spanish milled dollar, was required to contain 371.25 grains of pure, and 416 grains of standard silver; and the American eagle, of the value of ten dollars, was required to contain 247.5 grains of pure, and 270 grains of standard gold: and, by the same act, the relative value between silver and gold was fixed at 15 to one: "that is to say, every fifteen pounds weight of pure silver shall be of equal value, in all payments, with one pound weight of pure gold."

And whereas, the relative value of gold and silver bullion has, since that time, materially varied in the principal commercial countries of Europe and in the United States, and it being desirable that Congress be advised of the extent of that variation: Therefore,

Resolved, That the director of the mint do report to this House, as far as it is in his power, the present relative value of gold and silver bullion, in the principal countries of Europe and the United States; that is to say, if 371.25 grains of pure silver is worth one dollar, what is the value of the same weight of pure gold?

Resolved, That the said director do report to this House his opinion of the degree of fineness, or proportion of alloy, the best fitted, in gold coins, to give durability and continued brightness to the metal; and, also, his opinion what is the most suitable metal for that alloy.

Mr. R. supported the resolutions, by stating a number of facts in relation to the past and present quality of our coins in point of fineness, and of their relative value to each other. That of gold to silver had formerly been as fifteen to one, but it had now got to be as sixteen to one. The intended effect of the measure he proposed would be to prevent the gold coins of the United States from being more valuable as bullion than as coin, and consequently ceasing to be a part of the circulating medium of the country.

The resolutions were agreed to.

PRESIDENT'S MESSAGE.

The House having resumed the consideration of the unfinished business, being the reference of various parts of the President's message.

The question being on an additional resolution, (the fifteenth,) moved by Mr. Daniel, in committee, which referred so much of the message as related to the exercise of doubtful powers by Congress to a select committee—

Mr. SPEIGHT suggested that the gentleman had better insert his proposition as an amendment to the seventh resolution, so as to make that resolution read:

"*Resolved,* That so much of the said message as recommends an amendment of the constitution in relation to internal improvements, and the reducing the same to some fixed and certain rule, and the exercise by Congress of doubtful powers, be referred to a select committee."

Mr. DANIEL replied, with good-humored irony, that, as the gentleman's views were usually sound and wholesome, he would take his advice.

Mr. WICKLIFFE said that he did not know that the President had recommended the exercise of doubtful powers by Congress.

Mr. DANIEL then modified the resolution so as to read "and so much as relates to the exercise," &c.

Mr. MERCER thought it would be best to strike out the clause. He had thought, at first, that the gentleman from Kentucky [Mr. Daniel] had been intending only the indulgence of a vein of humor; but he perceived that it was otherwise, and he thought that the subject was a very proper subject of reference. The question whether, before any power is exercised by Congress, which some gentlemen considered as doubtful, resort must be had to a convention of three-fourths of all the people of the United States, was certainly a subject that might very properly be referred to a committee of that House. It furnished a subject of serious consideration. Yet its seriousness arose more from the high source from which such a suggestion had proceeded, than from any thing else. He apprehended that if Congress were never to exercise any power which had been doubted until two-thirds of the people of the Union had been called upon to decide the question, their path from darkness to day would be long and difficult, and would be very seldom travelled. Mr. M. objected to coupling this clause with that in relation to internal improvements; it seemed to imply an affinity between the two subjects which he was disposed to dissolve.

Mr. POLK moved to strike out the words "and the exercise by Congress of doubtful powers." The President's message suggested the propriety of dissipating all doubt about the constitutionality of works of improvements as conducted by the General Government. When the gentleman from Kentucky moved his resolution about doubtful powers, Mr. P. had supposed, as other gentlemen seemed to have done, that it had been done merely in sport: if he had not, he should have opposed the resolution.

[Here some desultory discussion arose on the question, whether it would be in order to receive Mr. Polk's amendment, and the Chair was understood as pronouncing it to be in order.]

Mr. DANIEL said he could assure the gentleman from Tennessee [Mr. Polk] that in making the motion he had done, he had been entirely in earnest. The gentleman was mistaken, if he supposed Mr. D. came to that House for the purpose of making sport with so important a part of the message of the Executive. His object had been to ascertain what powers the President considered as "doubtful powers," and what not, in order that Congress might not exercise them against his will. It had been his desire, if he could be so fortunate as to get upon the committee, to hunt out the President's opinion, if it were possible to discover what that opinion was, on points of constitutional law. That had been his wish, and that was his purpose in offering the resolution. Was this sporting with the House? He was now, however, apprehensive that the gentleman from North Carolina [Mr. Speight] had got his resolution into a state that he would be unable to do what he intended. He wanted to have examined the various communications of the Executive to that House at different times, and also the expressions of his opinions out of doors; because he was well aware that the expression of an opinion by the President that he doubted the constitutionality of any particular power rendered that a "doubtful power," and that power ought not, therefore, to be exercised by Congress. For example, he desired particularly to know what was the opinion of the President on the repeal of the 25th section of the Judiciary act; this he hoped to get from the gentleman from Tennessee, [Mr. Polk,] who was said to be very intimate at the White House. He wished farther to know how far a State might act in regard to its own internal police. He wished to get at these Executive opinions, as they were to be gathered from declarations public or private, and, among other things, from the proclamation of the Executive. He thought that if this could be ascertained, the Union, instead of being dissolved, might be preserved, if the House would only declare how far a State might go. His wish was to save this Union from civil war, and from foreign war also, which was not unlikely to be excited by the course the President was pursuing. He would have desired to make a report upon this subject—upon the subject of internal improvements also. He wished it settled exactly how far the House might go, so that vetoes should cease. The House must not run counter to the President's opinions on constitutional law, provided it could discover what those opinions were. That which Mr. D. had thought to be perfectly constitutional, he now found to be "doubtful." He wanted to find out just how far Congress might go. The President had declared in his message that no power ought to be exercised if one-fourth part of the States believed it to be unconstitutional; all such were "doubtful powers," and should by no means be exercised. Mr. D. said that in this he fully accorded with the President. All such questions ought to be referred to the people. It was the exercise of these "doubtful powers" which had occasioned so much excitement in some of the States. It was the people who were the proper menders of the constitution: they were its authors, and they could modify it at pleasure. Mr. D. was anxious to obtain a report which should show how far the exercise of "doubtful powers" had produced the public discontents. The people would never complain of having these questions submitted to them; especially questions which were in danger of dissolving the Union. Mr. D., however, said, that he was as much opposed to the exercise of "doubtful powers" by the Executive as by Congress. He thought the question ought to be referred to the people, when a large portion of the country was dissatisfied with the exercise of even constitutional powers. These were his motives for offering the resolution he had offered. This was not sporting with the President's message. He believed it was a most important subject for reference. The powers of the States ought to be investigated.

Mr. FOSTER, of Georgia, said that he believed the gentleman from Kentucky [Mr. Daniel] had been more candid in his exposé than he had intended to be. The resolution, it seemed, was intended as a cut at the President. Now, Mr. F. considered it as looking just the other way. To him it appeared as containing a severe reflection on the conduct of both Houses of Congress in the exercise of doubtful powers. If the gentleman wished to examine what were the opinions of the President; if the House of Representatives was to be occupied in the very becoming and dignified employment of sending about in all quarters to pick up declarations of the Executive opinions, he thought the most suitable course would be to appoint a committee, not of the members of this House, but of the editors of newspapers, as that class of persons was usually very busy in a similar way. This was no part of the Executive message. How would such a resolution look? Or how would the report appear, which the gentleman wished to produce by it? A committee gravely reporting to the House that they had discovered that, at such a certain time, the President had expressed one opinion, and, at another time, that he had expressed such and such other opinions. Did the gentleman wish to give the committee power to send for persons and papers? Or did he propose to employ a corps of spies, or of those letter writers who were swarming in this city? This would be dignified indeed! The gentleman had told the House that if he should be so fortunate as to get upon the select committee, this would be what he should do. If this was to be the business of the committee, Mr. F. (though not apprehensive of being selected) begged in advance to be excused from serving upon it. He hoped the object in view would be stated a little more definitely.

As to the other part of the gentleman's designs, he joined heartily in it. He should wish to see what were the powers possessed by different branches of this Government. He wished to see a report which should point out those doubtful powers, the exercise of which was bearing on this Government with accelerated velocity to ruin; powers, the exercise of which the States would not much longer brook. There were far too many doubtful powers exercised by Congress. He hoped the House would stop in a course which was the downward course to ruin.

Mr. STEWART, of Pennsylvania, said that, with a view of putting an end to this discussion, which he considered as premature, he would move to strike out so much of the resolution as related to the subject of internal improvement, which had already been referred to the committee charged with the subject.

The **CHAIR** replied that this would not be in order, as the House had adopted one part of the resolution.

Mr. STEWART said there was no need of referring any part of the message to a select committee, with a view of getting at the opinions of the President, as to doubtful powers. Whoever read the proclamation recently put forth by the Executive could have no doubt as to what were the President's opinions on the constitutional powers of this Government; that document left no room for any man to doubt. The views there given were perfectly sound and orthodox. He considered the whole paper as one of the most able, lucid, sound arguments he had ever seen. On those principles alone could this Government ever be preserved. The gentleman from Georgia had told the House that the exercise of doubtful powers had brought this Government to the brink of ruin. Mr. S. thought, on the contrary, that it was the doctrines held by that gentleman himself, and by those who agreed with him, and which were triumphantly refuted in the proclamation, which had brought the Government into danger. It was the doctrine of State rights, a doctrine which left the General Government powerless and useless, which had brought the Government to the brink of ruin. These doctrines had been widely diffused over the country; and wherever they came, they operated like poison on the body politic. The doctrine was impracticable; it was a doctrine under which this Government could never get along. It was the doctrine alone put forth in the Executive proclamation, which could save the Government, and enable it to continue its functions. He was rejoiced to see that doctrine promulgated under the great seal. He trusted it would be sustained by the nation, and would furnish a text-book for aftertimes. He trusted that the people, of all parties, would rally as one man round the President, and sustain him in all constitutional measures to enforce the laws, and preserve the Union. He then moved to lay the resolution and amendment on the table.

On this question **Mr. CLAY**, of Alabama, demanded the yeas and nays. They were taken accordingly, and stood as follows: Yeas, 59; nays, 118.

So the House refused to lay the resolution on the table.

Mr. POLK said that he had not anticipated such a debate as now seemed likely to arise on a mere incidental question. The clause of the message, which had reference to the exercise of doubtful powers, only spoke of those powers as connected with the subject of internal improvement. Mr. P. was unwilling to be responsible for the debate, and, therefore, consented to withdraw his amendment.

Mr. DANIEL said as the motion had been withdrawn, he had nothing to say but to express his astonishment that the gentleman from Pennsylvania [Mr. STEWART] should express his approbation of the proclamation of the President. Had that gentleman reflected whether the constitution was established by the people of the United States, or by those of the States? That proclamation contained the very essence of the doctrine of consolidation. He was anxious to know whether the House approved of the principles set forth in that paper, in which an individual was singled out for martyrdom. He wished to learn whether the House were disposed to bring on a civil war. Why should the nation involve itself in a civil war? If any State wished to quit the Union, why, in God's name, shall she not be permitted to go in peace?

Mr. POLK called Mr. DANIEL to order. He was proceeding to remark on a paper not before the House, and which had no connexion with the subject before the House.

The **CHAIR** read the resolution before the House, and said that he could not decide whether the gentleman from Kentucky was in order until he proceeded farther in his remarks.

Mr. POLK said the gentleman was going to discuss the President's proclamation.

The **CHAIR** said that that would not be in order.

Mr. DANIEL said that he regretted that he should be found transcending the boundaries of order, in the opinion of the gentleman from Tennessee, who was, he knew, a great judge of order, and himself a very orderly member of the House. He regretted that such a gentleman should consider him out of order. He was about to express his regret that any member of that House should declare himself satisfied with all the sentiments contained in that proclamation—a proclamation that declares that a Representative was not the Representative of his own constituents, but of—

The **CHAIR** decided the gentleman to be out of order. The proclamation was not before the House, and the discussion of it was irrelevant to the subject proposed for the action of the House.

Mr. DANIEL said he had intended to discuss the subject of doubtful powers; and was going to bring in to his aid the opinions of the President, as expressed in a certain paper. He had been going to ask, whether the doctrine that a Representative was a Representative, not of his own constituents, but of the whole people of the United States, was a doctrine that the gentleman from Pennsylvania would contend for? and whether the gentleman approved the doctrine that the constitution was formed by the people, not in separate communities, but as an aggregate? If the gentleman from Pennsylvania agreed to such sentiments, then Mr. D. disagreed with him *in toto*. He regretted that any member of the House should agree to such notions; to him they appeared to be the very essence of consolidation. They had been so considered, and so represented by all the republicans who figured on the theatre at the time the constitution was adopted. Mr. D. said he was in favor of a resolution that would bring these questions up; that if these were doubtful powers, they might be stated; especially (if the Chair pleased) on the subject of internal improvement.

He said he had been arguing in favor of the reference he had moved. The message laid down the general position that no power should be exercised by Congress whenever one-fourth of the people of the Union were opposed it. He was desirous of having a report on this doctrine, in order to prevent civil war and disunion. He hoped Congress would take up the subject, and settle it. He had seen a paper purporting to be a proclamation, which the gentleman from Pennsylvania said he approved. He supposed the gentleman approved, too, that a single individual should be singled out for martyrdom; and that an endeavor should be made to excite one part of the Union against another part of it. It was high time, indeed, that Congress should act.

So far as the President recommended peace and harmony, Mr. D. went with him. But if any one of the States chose to go off from the confederacy, in God's name let it go in peace. He would not be for whipping it in. Let them part in harmony, and with good feeling. These were his opinions.

The CHAIR said he could not permit such a discussion to proceed; it was entirely out of order.

Mr. DANIEL said he was discussing the subject of internal improvement, and discussing it as calmly as he could.

The CHAIR pronounced Mr. D. to be out of order. He was discussing subjects not before the House.

Mr. D. said he had no disposition to transcend the limits of order; and as he was contradicted by the Chair, he supposed he must submit. He would, however, say to the honorable Speaker, that he understood what was the question before the House; he stood in need of no information on that subject. He was in favor of the reference of this part of the message to a select committee, because he thought it would bring up the whole subject of doubtful powers generally. To get at that subject, he had acceded to the proposal of the gentleman from North Carolina, [Mr. Speight,] to offer his resolution in the form of an amendment. He was now told he could not go on to discuss the subject of doubtful powers, though the gentleman from Georgia [Mr. Foster] had done the same, and was not called to order for it. It seemed, however, that he could not be permitted to refer to the opinions of distinguished individuals, by way of illustration of his opinions. The gentleman from Georgia had said that discontent and disunion followed the exercise of doubtful powers. He had followed in the gentleman's wake, and believed as that gentleman did, that the exercise of these powers would lead to bad consequences. In illustration of this sentiment, he had referred to the proclamation of the President, and had been about to discuss that document with this view.

The CHAIR said it was not in order to do so.

Mr. D. then observed that, if he was declared out of order by the Chair, he would take his seat. And he sat down.

Mr. STEWART observed, he had not said that he approved of every thing that was contained in the proclamation; he had only said that he approved of all the constitutional doctrines there set forth—he approved of the doctrine of the proclamation as to the powers of the Government.

The CHAIR said it was not in order now to discuss that document.

Mr. STEWART said he was only explaining to the House and to the nation what he had declared, what he meant to declare, and what he was ready to stand by and defend here and elsewhere.

Mr. VINTON called Mr. Stewart to order.

After some explanations between those gentlemen and the Chair, Mr. McDUFFIE said that there was, no doubt, some misapprehension of the question of order. He regretted that the gentleman from Pennsylvania had been deprived of the opportunity of pronouncing an eulogium on a document which, in Mr. McD's opinion, laid low the liberties of the country.

The CHAIR said the subject of the proclamation could not now be discussed, save by special leave of the House.

Mr. McDUFFIE said he was not going into the discussion, but he must be permitted to say a single word. He rejoiced that the doctrines of that instrument had not received the ratification of that House; if they had, he should regard the liberties of the country as at an end.

Mr. ARCHER said the gentleman from South Carolina would have, before long, an opportunity of discussing the subject.

Mr. McDUFFIE replied, that he had not sought the occasion of doing so.

The resolution was then agreed to, and the select committee ordered to consist of seven members.

The House then adjourned.

Saturday, December 15.

This day was spent in disposing of resolutions and acting on private bills.

Monday, December 17.

FEDERAL COURTS.

Mr. VERPLANCK, from the Committee of Ways and Means, offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire and report what law or other regulation may be necessary for diminishing the annual expenses of holding the Supreme, Circuit, and District Courts of the United States, &c. including the contingent charges of the Judiciary establishment, and the expenses of suits and prosecutions chargeable to the United States.

Mr. V. said that this resolution was offered in consequence of an item in the bill just reported by himself. That bill contained an additional appropriation for the various expenses of the courts of the United States, and of suits and prosecutions chargeable to Government during the present year, in addition to the annual appropriation made for that purpose at the last session. As that appropriation was now exhausted, and as a further grant seemed absolutely necessary for the ordinary operation of the courts, the committee had no hesitation in now recommending the allowance of the sum requested by the department. But in examining the causes of the deficiency, and comparing the expenses of several years last past, they had perceived that for several years there has been a large and continual increase of these expenses; and this, so far as they could ascertain from circumstances, on which the Treasury Department could have little or no control. One large item of this increase was in the District of Columbia. The special committee who had prepared, and were about to report a code for the government of this district, (as the Committee of Ways and Means were informed,) were about to propose a remedy for this evil. The committee, in the hope that a similar remedy might be extended to the general judicial system, had determined to call the attention of the Judiciary Committee to the subject in a special manner.

The resolution was agreed to.

LIEN LAWS.

The lien bill, (giving to workmen within the District of Columbia, engaged in building a house, and those who furnished the materials, a lien upon the house when built,) having been read a second time—

Mr. WASHINGTON said that the bill had been brought forward last session. The measure which it advocated was one which had met with the universal approbation of the mechanics and tradesmen of the city of Washington. It was a bill projected for the purpose of protecting those persons and others of the city from a species of fraud which had been frequently practised upon them by persons, whose affairs were in a state of bankruptcy, purchasing land on mortgage, building upon it, and then selling the property, leaving the workmen and those who supplied the building materials unpaid. The bill had been prepared with great care and attention, at the unanimous request of the people of Washington city; and, in the framing of it, it was endeavored so to do it that every class might be provided for; and it was done at the instance of men of respectability. The city had been liable to great impositions. Owing to the circumstances of its being the seat of Government, and other causes, persons had come to it from all parts of the globe; adventurers had undertaken contracts which they were unable to fulfil, and thus brought ruin upon themselves and others. For the injury done the adventurers cared but little; many of them had no characters to lose; and all they had to do was to try their fortunes elsewhere; but, whilst speculators might come to the city, and undertake work, frequently absconding and leaving the demands of both the tradesman and the mechanic unsatisfied, it seemed to him to be requisite that the mechanic and tradesman should have security against this species of fraud.

Mr. SPEIGHT said the object of the bill met his concurrence. It had been well known that persons in this city, who were bankrupts, had employed honest, hard-working mechanics upon buildings, which, when completed, had been disposed of in a manner which deprived those who had done the labor and furnished the materials of all means of obtaining compensation.

Mr. SEMMES said the bill had been drawn by the late Mr. Doddridge, with great care and pains, after examining similar provisions made by the laws of several of the States. Among the honest citizens of this city there probably was not a dissenting voice as to the necessity of such a law. This city had attracted adventurers from every quarter, who had neither character nor property at stake: after building houses, they had disposed of them, and left the mechanics and those who furnished the materials to suffer. Mr. S. thought if gentlemen would examine the bill as amended, no dissenting voice would be heard as to the propriety of its becoming a law.

Mr. ROOT said he believed the gentleman was mistaken as to one fact in what he had said relative to the operation and extent of the lien laws. The gentleman had said that the law proposed in the bill, then offered to the House, was the same as those of New York and Philadelphia. Of the existence of such a law in Philadelphia, he (Mr. R.) had heard; he did not know if it was so; but as to the State of New York, he did know that application had been made for the passage of such a law, and to apply it to the cities and villages, as well as to the city of New York; but the applicants failed of success. With the details of the present bill he was unacquainted; nor had he been able to ascertain precisely what they were, although the bill had been read by the clerk. As far as he understood, however, it was proposed to give to the laborers, as well as to those who furnished the materials, a lien on the houses which they built; which mortgage was to remain for a definite time—for two or three years; and whosoever purchased the house was bound to pay up all this variety of mortgages, from the pane of glass in the windows to the hob-nail driven into the wall. Such a law would not be for the interest either of the mechanic or the proprietor, whilst it would injure the purchaser, and stop the growth of the city, if property should be thus encumbered. Other laborers had no such security. He believed the lots of the city were sufficiently mortgaged already to admonish purchasers, without superadding mortgages on the nails, glass, and hinges, as well as the shingles and timber, with which the houses were erected. And how were the purchasers to know how many mortgages a house was encumbered with? He did not know that any provision was made in the bill for registering these mortgages. If there was not, how were purchasers to be advised as to the responsibilities they had to assume? The mortgages on the lots might be ascertained from the city registry, or the records of the courts. He did not know what provision, or if any, was made in the present bill, on this subject. He was sure that the bill was unnecessary. Public expediency did not require it. He knew it was said that the people of the District, at least of one part, had made application for the bill to pass. But it should be recollected that, in other parts of the District, the people had voted that they would have no self-government; no voice in the management of their own affairs; that they would not have a Representative on that floor; neither would they go back again to the States; but would keep in a state of incapacity to manage their own affairs, and let Congress have the entire management. He should suppose, therefore, after such a vote, that the suggestion concerning the will of the people of this District themselves ought not to be regarded, but that the subject ought to be taken up on the general view, whether or not the measure could be beneficial to the District. He (Mr. R.) thought it would be an incumbrance to builders, and an objection to purchasing any house until after the lapse of the time when the purchaser might come in, secure from a mortgage on his purchase, for a pane of glass or a hundred four-penny nails.

Mr. SUTHERLAND said that, so far as his constituents were concerned, the bill before the House, creating a lien in the District of Columbia in favor of mechanics and persons furnishing building materials, was of little importance: it went, however, to establish the principle that he most cordially approved; and in support of the bill gave the following, among other reasons, why it ought to be passed:

1. It was a scriptural precept that the laborer was worthy of his hire; and, by giving him the benefit of a lien law, we furnish him with the most certain means of obtaining a sure return for his industry.

2. He was an advocate for the bill because it had been tried, and found so beneficial to the working class in the city of Philadelphia, that its provisions had been extended by the Legislature of Pennsylvania to the interior cities and most of the boroughs of that commonwealth.

3. He contended, also, that the passage of such a law did not sanction a novel project, but went to sustain one that had been adopted in many of the States, and had, therefore, an enlightened experience to rest its well attested claims on.

4. He said the bill, if it should receive the sanction of Congress, would add greatly to the growth and prosperity of the District of Columbia, as it would encourage lumber merchants and other individuals having the materials on hand, and mechanics who wished to be employed in a safe business, to make contracts for improving the city, by building without delay.

5. This bill, he contended, would put it out of the power of the speculator to take advantage of the mechanics; and instead of reposing, as they have to do now, upon the faith of the contractors, they will have the protection of the lien law for their safety.

The bill was ordered to be engrossed for its third reading.

FRENCH AND SPANISH LAND CLAIMS.

A bill reported last session from the Committee on the Public Lands, to prevent the confirmation of fraudulent French and Spanish land claims, coming up in course,

Mr. WHITE, of Florida, moved to refer the bill to the Committee on the Judiciary.

Mr. WICKLIFFE opposed the motion, and was desirous that it might be at once ordered to a third reading. He insisted on the necessity of such a bill to the protection of the public domain, and the propriety of its being passed as early as practicable, as the grants to which it related were now in a course of adjudication. He repudiated the doctrine that the written grant for land by a Spanish sub-delegate or Governor was *per se*, and on its face, *prima facie* evidence of the right of such Governor to make the grant. This must be shown by the claimant.

Mr. WHITE insisted on his motion to commit the bill, which he considered as involving the validity of treaties, and of the decisions of the Supreme Court; as the bill concerned the rights of American citizens claiming under treaties with foreign Governments, the question involved pertained to the Judiciary Committee, and not to the Committee on the Public Lands. The bill was misnamed: it was not to prevent fraudulent grants, but to prevent the confirmation of good and *bona fide* claims. The principle objected to by the gentleman from Kentucky had been solemnly decided on by the Supreme Court, and the bill went in fact to nullify a decision of the Supreme Court.

Mr. WICKLIFFE insisted that the bill was a bill to nullify private speculation. It could not overturn grants already confirmed, but prevent the confirmation of unfounded claims in future. He further insisted on the principles he had before advanced, and stated the danger of admitting grants for millions of acres as valid, when there was no law of Spain giving the Governors power to make such grants.

Mr. PLUMMER said he had never heard of the bill, though he was a member of the Committee on Public Lands, until it had been reported by the gentleman from Kentucky. He expressed his views as coinciding with those stated by Mr. White, and agreed with him that the bill ought to go to the Committee on the Judiciary.

Mr. WHITE, of Louisiana, took a similar view of the subject, and dwelt on the hardship of requiring a claimant to prove what no claimant ever could prove, and thus deprive him of his land.

Mr. IRVIN replied to Mr. Plummer's remarks as to the bill's being new to him. The subject of this bill had often been a matter of discussion before the committee, though the gentleman might not have been present.

Mr. WICKLIFFE repelled what he considered as an insinuation that he had brought the bill surreptitiously into the House, and still farther insisted on the propriety and necessity of requiring claimants to show the power of the Governor from the laws of Spain, called "the Laws of the Indies."

The debate was further continued by Messrs. WHITE and PLUMMER, the Chair several times interposing to prevent its being turned aside upon the merits of the bill; when, the question being taken, Mr. White's motion prevailed, and the bill was sent to the Committee on the Judiciary.

The House then adjourned.

Tuesday, December 18.

CESSION OF PUBLIC LANDS.

The following resolution, offered by Mr. Boon, of Indiana, having been read—

Resolved, That the Committee on the Public Lands be instructed [illegible]quire into the expediency of reducing and gradu[illegible] the price of such of the public lands of the United States as shall or may have been five years subject to sale at private entry; and also to inquire into the expediency of surrendering the refuse public lands, after a given period, to the States respectively in which they are situated.

Mr. WILLIAMS, of North Carolina, offered the following amendment, viz: to strike out all after the word "*Resolved*," and insert—

"That it is not expedient for the Government of the United States to surrender the right which all the States have to an equal share of the public lands; and that until some equal mode of distribution shall have been adopted, it is not expedient to modify or change the present system for disposing of the public lands in any manner so as to deprive all the States of their just proportion of the same."

Mr. BOON observed that, as the object he had in view, in offering the resolution, had been substantially accomplished by the reference of the subject generally to the Committee on the Public Lands, he would withdraw the resolution. Of course, the amendment fell with it.

The following resolutions, offered by Mr. Clay, of Alabama, were then read:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reducing the price of such portion of the public lands as have been offered at public sale, and have remained unsold for the period of five years and upwards.

Resolved, further, That said committee inquire into the expediency of relinquishing to the respective States, in which they are situated, such portions of the public lands as may have been offered at public sale, and, being subject to private entry, have remained unsold for the period of ten years.

Mr. WILLIAMS thereupon offered the same amendment he had before proposed to the resolution offered by Mr. Boon.

Mr. CLAY said, that as the gentleman who had offered the amendment evinced no disposition to sustain it by argument, he felt himself called on, instead of following the example of the gentleman from Indiana [Mr. Boon] by withdrawing his resolution, to offer a few words in its explanation and support. He was aware that the general subject to which the resolution referred had been, by the House, committed to the Committee on the Public Lands. But, the message of the President, as he understood that document, went to recommend a reduction of the price at which the public domain was now held, and the ultimate surrender of the same to the States in which it was situated; in addition to which he had had the honor of presenting to the House a memorial from the Legislature of the State of Alabama, asserting the propriety of the policy recommended by the Executive; and he had thought it proper, in pursuance of the object of both these recommendations, to draw up the resolution he had offered, and which differed from that of the gentleman from Indiana, [Mr. Boon,] chiefly, in that it was more specific. The gentleman from North Carolina, [Mr. Williams,] had asked, when this resolution had first been offered, why this unceasing demand was heard that the United States should surrender the public lands to the new States? Mr. C. was not aware that any unceasing demand had been made on the subject. It was true that the people and the Legislatures of the new States had again and again called upon the Government to mitigate the existing system in the disposal of the public domain. But this was the first time, within the last three years, that a proposition had been brought forward for a relinquishment of that domain to the States in which it lay. When Mr. C. had presented the resolution, he had observed that it would not be difficult to show reasons why the policy proposed as the object of inquiry should not only be inquired into, but adopted. He had then alluded to the disadvantages under which the new States labored, from having so large a portion of their soil held without the reach of their power of taxation. He would now add, that the policy recommended by the Executive, and by the Legislature of Alabama, would not only be highly advantageous to the new States, but of equal benefit to the General Government. The land held up by the present system was land which not only would not command the minimum price demanded by the Government, but which remained unsold, although it had been for ten years offered to settlers at private sale. Would the United States persevere *ad infinitum* in keeping up such a system? Mr. C. insisted that it would be better to sell the lands for what they were worth. He would now show, from documents which, he believed, few members of the House had examined, that a very large proportion of this land was not only not worth the minimum asked for it by the Government, but was wholly unfit for cultivation. When this was shown, could gentlemen be in favor of still holding up this land, at the very heavy cost annually incurred by the keeping up of the public land offices, none of which cost the Government less than 1,000 dollars a year, and many of which did not sell land to the amount of 100 dollars a year? He trusted not. He insisted it would be better to graduate the price of the land according to the time it had remained in market unsold, to the end that it might be purchased by individual settlers.

The same gentleman who now so strenuously resisted the present inquiry, had, with equal zeal, opposed various laws brought forward at a former session for the benefit of settlers; particularly the law extending the right of pre-emption, and the law allowing settlers who had forfeited their lands to purchase the same at a graduated value; both which laws had been attended with the most beneficial consequences, insomuch that, although previously to the passage of those laws the annual amount of money derived from the sale of the public lands had rarely exceeded one million of dollars, it had during the first year since increased to two millions, and during the last year had risen to upwards of three millions. The gentleman would probably say, that the effect of those bills had been, that the land had sold at a less price than it otherwise would, and that the Government had received less money in proportion to the land sold. But such had not been the fact. There were documents on file which would disprove the assertion. The land sold within the States of Indiana, Illinois, and Missouri, during the three years previous to the session of 1829-30, had not averaged half a mill over the minimum price established by law. In the State of Alabama, even in the heart of the State, and in the most thickly settled part of the country, the average price had been $1 39 3-10ths; and during the year commencing the 29th of October, the average price in Ohio had been $1 26; in Indiana, the same; and in Missouri, Illinois, Mississippi, and Alabama, it had been just $1 25. Not one average had gone higher than $1 26 24-100. In Florida, where only 50,000 acres had been sold, the average had risen to $1 34 35-100. The price, since the passage of the bills he had referred to, had remained as before, but more money had been received into the treasury. Yet the gentleman from North Carolina had then told the House, that if those bills should pass, the whole landed system of the country would be broken up. The gentleman was as far wrong now, as he had been then. Could it be the true policy of this Government to keep up the lands from the hands of purchasers at the present high minimums, and with all the expenses of the existing system? Would the trifling excess of six mills be sufficient to compensate the whole expense of employing registers, receivers, and auctioneers? It would not. Therefore, the present land system was attended with a positive loss to the Union.

In regard to the right of the new States to the lands within their chartered limits, Mr. C. thought they had some claim, not to the whole amount of the lands, but to such of them as had been offered for sale at auction, and afterwards exposed at private sale, but still remained without a purchaser. The terms on which new States were received into the Union were declared to be, that they should be placed on an equal footing with the original States, in all respects whatever. It had been added, by way of condition, that they should not interfere with the primary disposition of the soil, nor tax it until five years after the time of sale. It had been maintained by more than one of the ablest men of the country, that the new States had a right to these lands—to the whole of them.

But without insisting on the whole length of that doctrine, Mr. C. would only ask, whether the new States could be said to be placed on "an equal footing in all respects" with the old, while they were cut off from the same source of revenue which the others enjoyed? He would not insist that the new States could claim a right to the soil; but he insisted that it was the true policy to enable them to sell the land to actual settlers. They did not ask the Government to give them these lands without receiving any money for them; but only that when all the fertile land had been exhausted by sales on Government account, the residue might be ceded to the States within which it lay; or, at least, that a graduated value should be placed upon the whole. Mr. C. then referred to a report made four years ago, and laid on the table of the Senate, containing a tabular view of the quantity and quality of the public lands, and stating how long it had been in the market. From this he quoted the total quantity in various States, and the small comparative amount of land of the first quality. Very much of it was so bad as to be returned unfit for cultivation. The examination which had taken place since the time this report had been made went to show a still larger proportion of bad land. There was much mountain, much pine barren. Ought this to be kept at a minimum price of a dollar and a quarter? The lands in Indiana, Missouri, Arkansas, Louisiana, Mississippi, Alabama, and Florida, had been offered by foreign Governments as a free gift to any one that would settle on and improve them. This offer had been open to every body for fifty years; since which they had been exposed to private sale for twenty or thirty years longer, and still they lay uncultivated. Could it be sound policy to hold this land at the existing price? To him, the reverse was evident. He had invited the attention of the House to these questions, that a report might be submitted as to the policy of abandoning a system so injurious to the best interests of the Union, and as to the propriety of ceding to the new States such land as could not be sold after being in market for so long a course of years. He could not see the utility of opposing such an inquiry, even in its incipient stage. The subject had already been referred in general terms to the Land Committee. All Mr. C. wished was, to present the inquiry in a somewhat more definite and specific shape. When the House remembered that the expense of selling 926,000 acres had amounted to 121,000 dollars, and in another year the cost of disposing of 341,000 acres had been 47,750 dollars, he trusted that they would at least agree to the expediency of an inquiry upon the subject.

Mr. WILLIAMS rose in reply. He said it had been far from his intention to go, at this time, into the subject of the amendment or the resolution. His object had been not to provoke, but to prevent, debate. But, as the gentleman from Alabama had not followed the example set him by the gentleman from Indiana, [Mr. Boon,] but had deemed it necessary to address the Hou[illegible]me length, he trusted the House would excuse him fo[illegible]bling them with a word or two in reply.

The gentleman had labored hard to prove that a great proportion of the lands which he was desirous of having ceded to the new States was so bad as to be unfit for cultivation. Now, Mr. W. could scarcely express his surprise that, if these lands were so bad as to be absolutely unfit for use, those States should exhibit so eager an anxiety to get hold of them.

The gentleman from Alabama could not possibly be more surprised at his course than he was at the course pursued by that gentleman. The gentleman offered a resolution modestly asking the Union to cede to the new States all their public lands, and then was greatly surprised that Mr. W. should oppose the proposal. He had told the House that Mr. W. had opposed certain bills which the gentleman represented as highly beneficial to the settlers of our new lands. Mr. W. had at all times, so far as he had participated in the councils of the Union, been opposed to the profuse waste of the public property of the States. He had resisted all laws that tended to such a result; and so long as he held a seat on that floor, should continue to oppose them. The gentleman would have hereafter as much cause of surprise as he had at present. He could not consent to sit quietly by, and see the domain in which his constituents had an equal right with the other States of the Union, taken from them to be given to a few States of this confederacy. What right had the new States to demand such a thing? Had they purchased these lands? He believed not. They might have aided in preserving or even in conquering this domain; but that gave them no right to that which was the common property of all the States. He never would consent that the share belonging to his constituents should be taken from them without their consent. He always had resisted, and always would resist, such a measure by whomsoever brought forward. Nor did he consider this as furnishing any ground of reproach or of wonder. But the gentleman professed to be thus anxious to get possession of the public domain purely with a view to relieve the Union from the expenses attending the sale of it; and he thought that the Government was bound to accord its thanks to the honorable gentleman for his truly benevolent and perfectly disinterested feelings and purposes.

But, as far as Mr. W. was concerned, he preferred to retain the management of this property in the Government's own hands. He believed that the proceeds would more than compensate for any expense that might accompany it. He would call the minds of the members of the House to one fact: it was that the (now) old State of Ohio, one of the greatest and most powerful States of the West, had been settled, and that with unexampled rapidity, when the public lands were held at two dollars. This solitary fact was, in itself, a full and satisfactory answer to the gentleman's whole argument. That argument was, that the present price of land was the efficient obstacle in retarding the settlement of the new States. The settlement of Ohio, at a higher price, was an unanswerable refutation of that argument. He insisted that the price of the land was no impediment to its sale. The true reason why the lands were not sold was precisely this, that there was more in market than there was a demand for. It was just the same with regard to land as it was with all other commodities exposed for sale; if so great a quantity were thrown into the market at once as to overwhelm the demand, that commodity would find a slow sale. The total amount of the public land owned by the United States was, if he correctly remembered, about one thousand millions of acres. Of this, the quantity surveyed and offered for sale was about two hundred millions; and the total quantity sold within the forty-five years the land had been in market was twenty-five millions. Now, was it surprising that the sale of land was slow? And did any one seriously believe that reducing the price would advance the settlement of the new States, when Ohio had been settled with the land at two dollars?

Suppose the country should be engaged in another war—it was not impossible, though he hoped it was very improbable, and that the country would enjoy the sunshine of peace for many years to come; what fund would the gentleman provide on which the Government would be able to borrow the money it would need? The funds for the last war had been obtained on a pledge of the public domain; and with the proceeds of that domain the public debt had been, in part, extinguished. What substitute had the gentleman in readiness when his favorite scheme should have been carried?

[At this point, Mr. W. was reminded that the hour allotted to resolutions had expired, and the debate was consequently suspended for the present.]

CHICKASAW TREATY.

The House then, on motion of Mr. **WICKLIFFE**, proceeded to consider a report made by the Committee on Public Lands, on the 6th day of June, 1832, on the subject of a "lease of Indian reservation under treaty with the Chickasaws."

Mr. **WICKLIFFE** said he understood that a new treaty had been concluded, which was likely to be submitted to the Senate; by which, according to his understanding, the United States were likely to be deprived of their public domain. He would, therefore, offer to the House the following amendment:

Resolved, That a copy of this report, and the evidence taken, be transmitted to the President of the United States; and he is hereby requested to lay the same before the Senate of the United States, whenever he shall submit to that body for their advice and ratification any treaty between the United States and the Chickasaw Indians, in which may be contained any stipulation relating to the said reservation of four miles square.

Mr. **CLAY** said it appeared to him that this was only renewing the same proposition that had been disposed of the other day. As he believed the time of the House could be better employed than in the discussion of this subject, he would move to lay the resolution, with the amendment, on the table; and on this question he asked the ayes and noes.

Mr. **WICKLIFFE** said he wished to ask the gentleman from Alabama if it was not his intention to redeem the pledge he had given the other day, that discussion should take place on the subject, when the report of the last session came before the House?

Mr. **CLAY** said he gave no such pledge. He had merely said it would be time enough to send the report to the Senate when that body should ask for it.

The vote was then taken by yeas and nays, when the motion was agreed to, as follows:

YEAS.—Messrs. Adair, Alexander, Angel, Archer, Barringer, James Bates, Beardsley, Bell, Bergen, Bethune, James Blair, John Blair, Boon, Bouck, Bouldin, J. Brodhead, J. C. Brodhead, Cambreleng, Carr, Chandler, Chinn, Claiborne, Clay, Clayton, Coke, Connor, Coulter, Craig, Crawford, Davenport, Doubleday, Drayton, Draper, Ford, Foster, Gaither, Gilmore, Gordon, Harper, Hawes, Hawkins, Hoffman, Holland, Horn, Howard, Hubbard, Ihrie, Irvin, Isacks, Jarvis, Jewett, Richard M. Johnson, Kavanagh, A. King, J. King, H. King, Lamar, Lansing, Leavitt, Lecompte, Lent, Lewis, Lyon, Mann, Mardis, Mason, W. McCoy, McIntire, McKay, Mitchell, Muhlenberg, Patton, Pierson, Plummer, Polk, Reed, Rencher, Roane, A. H. Shepperd, Speight, Standifer, Stephens, Francis Thomas, P. Thomas, J. Thomson, Verplanck, Ward, Wardwell, Wayne, Weeks, Campbell P. White, Worthington--91.

NAYS.—Messrs. Adams, Chilton Allen, Heman Allen, Allison, Appleton, Arnold, Babcock, Barber, Barbour, Barnwell, Barstow, Isaac C. Bates, Branch, Briggs, Bucher, Burd, Burges, Cahoon, Choate, Collier, Condict, Condit, Cooke, Cooper, Corwin, Crane, Creighton, Daniel, John Davis, Warren R. Davis, Dearborn, Denny, Dewart, Dickson, Ellsworth, George Evans, E. Everett, H. Everett, Felder, Findlay, Fitzgerald, Grennell, Griffin, Heister, Hodges, Hughes, Huntington, Ingersoll, Cave Johnson, Kendall, Marshall, Maxwell, R. McCoy, McDuffie, McKennan, Mercer, Milligan, Nelson, Newnan, Newton, Pearce, Pendleton, Pitcher, Potts, Randolph, John Reed, Root, Russell, Semmes, Slade, Smith, Southard, Stanbery, Stewart, Storrs, Sutherland, Taylor, W. Thompson, Tompkins, Tracy, Vance, Vinton, Washington, Watmough, E. Whittlesey, White, Wickliffe, Williams, Young—74.

So the subject was ordered to lie on the table.

WEDNESDAY, DECEMBER 19.

THE PUBLIC LANDS.

The House then resumed the consideration of the resolution submitted by Mr. CLAY, of Alabama, on the subject of the public lands.

Mr. WILLIAMS resumed the course of his remarks, (in reply to Mr. CLAY, of Alabama,) which had been suspended yesterday by the expiration of the hour allotted to reports and resolutions.

He said that when he had suspended his remarks yesterday, he had been endeavoring to show that the public lands were a common fund, owned alike by all the States, to be appropriated only to common purposes, and for the benefit of all the States collectively. Since then, he had had an opportunity of examining the various cession acts of the several States who had relinquished their uncultivated lands to the General Government. He found that New York had ceded in 1781, Virginia in 1784, Massachusetts in 1785, Connecticut in 1786, South Carolina in 1787, North Carolina in 1790, and Georgia in 1802. In all these instruments of cession he found one uniform provision to this effect:

"That the lands they ceded to the United States shall be considered as a common fund for the use and benefit of the United States of America, (the ceding State included,) according to their respective and usual proportion in the general charge and expenditure; and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

This clause, found in every act of cession, clearly showed what had been the object of the ceding States in giving up their unsettled lands. By the very terms of the deed, these lands were to constitute a common fund, faithfully to be applied to the general benefit. One of the arguments he had been urging in favor of retaining the public domain in the possession of the General Government had been drawn from the possible contingency of a state of war. It was not reasonable to hope that this country would enjoy a state of uninterrupted peace; and should war arrive, these lands would constitute a good and valuable pledge on which to borrow the money which might be demanded by the public exigencies. Until the gentleman and those who acted with him should point out some other fund which might be substituted for such a purpose, Mr. W. thought it manifestly incumbent upon the Government to hold on upon the public domain.

Another general purpose to which the public lands might be applied was found in the payment of soldiers enlisted by the United States. In the late war with Great Britain, the country, being deprived of its ordinary pecuniary resources, had been obliged to resort to this common fund to sustain itself in the struggle, and the soldiers enlisted were promised a bounty in land as well as in money. Many were induced to enlist by an offer of this kind who would have been moved by no other. The same thing might occur again, when this landed fund would be found very convenient, and highly important to the public defence. Mr. W. knew it to be a fact that many had been tempted to enlist by the prospect of possessing a permanent home after the toils and dangers of the war were past. Now, unless the gentleman was able to point out some other means of paying our troops in such an emergency, Mr. W. was in favor of retaining this. But this domain furnished the means not only of increasing our army, but of augmenting our naval force: it would enable the Government to add to that arm of its strength which bore the national flag over every sea, and sent it to the very ends of the earth.

Another general purpose, common to all the States, which would be met by this common fund, was the support of the Government—the payment of the civil list.

If this public property of the Union should be surrendered, then, (admitting the proceeds of the sales to amount to three millions of dollars,) his own State of North Carolina would have to pay from one hundred and fifty thousand to two hundred thousand more than if the Government retained it, in the shape of bounty to soldiers, augmentation of the navy, and paying the current charges of the Government.

If these lands should not be equally divided among the States, then North Carolina would lose that amount of revenue entirely; but if, on the contrary, the proceeds were to be equally divided, she would gain that amount. He asked, therefore, whether it was reasonable in the new States to call for the setting apart of the whole of this public property for their benefit exclusively? Were not the old States asked to do for them what they would be far from doing for the old States? Suppose he should put in a similar claim in behalf of the old States of this Union; would the gentleman from Alabama yield the motion his support? The gentleman, he perceived, shook his head. He knew it must be so. Then, by what rule of equity could the gentleman ask him to do what that gentleman publicly, in his place, declared himself to be unwilling to do for him? The gentleman wanted North Carolina to give up all the share she owned in the public domain; while he frankly admitted that Alabama would do no such thing. Was this reciprocal legislation? He thought not. Until the gentleman was willing himself to do for others what he very modestly asked others to do for him, Mr. W. was for holding on upon the public property of the nation. Now, if the law of retaliation should take place, where would the gentleman and his friends be found? Congress would take from them what they had sought to take from others, and the new States would lose all share in the public domain. And would not Congress be justified in measuring out to these States what they had prepared for the other States? But Mr. W. was far from proposing any measure of such a character. Let all the States continue to enjoy an equal share in that which was the common property of all.

The gentleman had said that the new States did not ask these lands for nothing; but the gentleman had not told the House what the new States would give for them. He took it for granted they would not give one dollar and twenty-five cents per acre, which is now the minimum price established by law. Would they give fifty cents per acre? If they did, then the old States would lose seventy-five cents per acre; if they would not give more than twenty-five cents, then the old States would lose one dollar per acre; and if they would not give more than ten cents, then the old States would lose one dollar and fifteen cents on every acre. In whatever ratio the new States were to gain by the bargain, the old States were to lose. Mr. W., for one, was not prepared to negotiate until he had fully heard the terms proposed.

But, admitting that Congress must sell the public domain to the new States, what security were they to receive for the payment of the money? He was willing to trust the new States as far as he would trust any body; yet he rather concluded that if the Government once gave up the land, the affair would end in giving up the money too. He thought they had better keep possession while they had it. There was something permanent, something real, something undestructible, connected with the idea of land; but if the Government should be compelled to give up its claim to the land, it was much more likely to abandon its claim upon money.

The gentleman had said that the people of the new States had augmented the value of the public lands. Mr. W. did not know how. The truth was, they had added nothing to their value. Had they cleared these lands? Had they erected houses upon them, or barns? Had they planted orchards? He believed not. Had they communicated one additional degree to the fertility of their soil? He had never heard so. The gentleman might as well tell the House that his constituents had improved the value of grain, if wheat should sell next year at two dollars per bushel. The same universal law of depreciation and appreciation applied to land which applied to wheat. Unless the gentleman could prove his doctrine true in relation to wheat, Mr. W. could not believe it in relation to land. It was true the people of the new States had improved their own lands; but they had all the benefit arising from such improvement in the production and sale of their own crops. If any benefit had accrued, it had accrued to themselves. The Government surely was not bound to pay them for this improvement of their own fortunes.

The gentleman had said, further, that the lands which he wished to have ceded to the new States were of no value; and, in proof of the position, had read a statement going to show that out of ten millions of acres of land in Mississippi, eight millions were reported as unfit for cultivation. Now it struck Mr. W. with great surprise, that the gentleman, as representing the new States in this matter, should be so extraordinarily solicitous to get possession of lands, which, according to his own showing, were of no value! The very fact of the gentleman's solicitude went far to show that those lands were, at least by the people of the new States themselves, considered as of some value. He could not bring himself to believe that those States would be so anxious to get hold of lands which were of no use or value. And it was precisely for this reason that he was equally desirous that the Government should hold on upon their land. He knew that it was of value. The conduct of gentlemen proved that it was, and that they knew it. If the land was of no value to the Government of the United States, would it be appreciated by being transferred to the new States?

If the land was of no value to the whole Union, would it be of any value to the State of Alabama? Would the transfer improve its fertility? He thought not. If it was of no value to the United States as an aggregate, it could be of none to the State of Alabama separately. Every body knew what was the usual progress of settling vacant lands. The lands of the best quality were selected first; and when these were all taken up, then that of inferior quality was brought into market; and it often happened that this, owing to the advanced settlement of the country, sold for a higher price than far better land had brought at first. What had the experience of all the old States proved on this subject? In Virginia, for example, the good soil had been first taken up; but when this had been disforested, the adjoining land, though of inferior quality, commanded a better price than the good land had been sold for. In one of the adjoining counties of that State, I am told, said Mr. W., that land which, in 1790, sold for one dollar an acre, had, during the late war, brought sixty dollars. The same thing was taking place every day in North Carolina. Inferior lands will be brought into cultivation as soon as those of better quality have been occupied. The same results will also follow in the progress of the new States. How, then, could gentlemen contend that the land of less than the first quality was of no value? The lands which were now too poor to command immediate settlement would hereafter become valuable for the timber they contained. This happened in Europe; it happened all the world over.

The gentleman had said that the land was refuse and valueless. Mr. W. was unable to comprehend this. He did not believe that nature had ever designed any land on the face of the earth to be refuse, and of no use. The highest mountain land was of some use; it was not wholly refuse, if it would grow grass, or the smallest shrub. Possibly the summit of the Andes might be considered as useless, and, with respect to the purposes of man, as refuse. But there was very little land of which this could be said with truth.

But, Mr. W. said, he was now desirous of calling the attention of the House to a fact which was of importance in this argument. The gentleman from Alabama had produced and read to the House, with great emphasis, a document said to contain a report from the Registers and Receivers of all the Land Offices, from which he stated the large proportion of the unsettled lands which were unfit for cultivation. Now, he had since learned that these documents were not worthy of being received by the House as evidence. He had reason to believe that the officers who had made this report had not, in one case out of a hundred, seen an acre of the land they undertook to describe; and how could they testify that it was unfit for cultivation?

Mr. CLAY here explained, stating that their reports had been founded, in part, upon the plats of the surveyors, as well as on personal observation. He had never said that all the land to be transferred was valueless, but that much of it was pine barren.

Mr. WILLIAMS replied, that pine barrens were often the most valuable description of land; not on account of the soil, but of the timber. Much of the trade of both the Carolinas was carried on in this sort of timber. The lofty, long-leafed pine, was one of the most stately and valuable trees of the forest. The time was approaching when the pine forests of Alabama would be among the most valuable possessions of the State. This was the case in North Carolina; and he had been told by intelligent gentlemen from South Carolina that the same thing held good in that State. As to the mountain lands in Alabama, if they would grow grass, they were the most valuable lands they had; the higher the ground lay, the better for crops of that sort. But the gentleman had laid great stress on the condition expressed in the constitution, receiving the new States into the Union, that they should be admitted in all respects on the same footing with the original States. Now, Mr. W. could not understand how the sovereignty of the new States was impaired by the fact that the General Government held lands within their chartered limits. The right of property was one thing; the right of jurisdiction was another. The jurisdiction of the State of Alabama was as complete, throughout her limits, as if the State owned all the soil. The gentleman was too good a lawyer not to perceive, and perfectly to understand, this distinction. One independent Government might hold land within the limits of another. The Government of the United States held at this very time a house and lot at the Hague; and if the United States could hold land in Holland, without disturbing the sovereignty of that Government, surely they might hold land in the limits of Alabama without interfering with her sovereignty.

Again: the gentleman could not deny that our Government might declare war whenever it was necessary to preserve the safety or vindicate the honor of the nation. For the purpose of carrying on war, it might be necessary to resort to direct taxation; and if the tax should not be paid, might not the United States purchase the land and hold it till the tax is paid, or the land redeemed in some other way? Surely this course would be perfectly constitutional and proper; but, according to the gentleman's doctrine, the Government of the United States never could become the purchaser. In short, the argument on which he laid so much stress would go to strip the General Government of every attribute of sovereignty it possessed, and prostrate the whole of its powers. There was another view: The old States had ceded their vacant territory to the General Government, and provided that these Territories, so soon as their population would warrant it, should be admitted into the Union on the same footing with themselves; and they had also provided that the land thus ceded should be a common fund for the use and benefit of all the States. How were these two provisions to be reconciled? Both must be complied with. The only way was to admit the new States, but still retain the land as a common fund. Yet the gentleman would have the House believe that, admitting the new States did, *ipso facto*, take from the General Government all right of applying the public lands to the common benefit of the Union; and, consequently, the United States was to be stripped of all title in the land, and it must be surrendered to the new States. Such was the consequence of the gentleman's doctrine. The gentleman shook his head; but Mr. W. could see no other. The gentleman would not shake his head at the proposition that the lands were to be a common fund for the benefit of the Union; yet he maintained that it became the property of the new States as soon as admitted, because they were to be placed on an equal footing with the old States.

[Mr. CLAY explained. He had stated that it had been at least plausibly maintained that the new States were not on an equal footing with the old ones, so long as they were deprived of the disposition of the soil within their limits; but he had not himself taken that view of the subject.]

Mr. W. said he was happy to hear the gentleman's explanation; he was glad to find that he had been mistaken in his apprehension of the gentleman's opinion. Mr. W. knew that it had been maintained by some that the public lands belonged to the States where they lay; but he denied that it had been ever "plausibly" maintained. He denied the doctrine *in toto*. It had been maintained sophistically, illogically, inconclusively. The argument never had any influence on his mind. The whole affair was the merest sophistry he had ever seen in print. The claim seemed to be now renewedly urged by the gentleman from Alabama, in utter repugnance with the terms voluntarily accepted by his State, and by all the other new States. Various propositions had been tendered to the convention of the States. Mr. W. had them before him; but there was no need of reading them all. He would, however, read one or two to the House. They were in the following terms:

"*And provided always*, That the said convention shall provide by an ordinance, irrevocable, without the consent of the United States, that the people inhabiting the said Territory do agree and declare that they forever disclaim all right and title to the waste or unappropriated lands lying within the said Territory; and that the same shall be and remain at the sole and entire disposition of the United States: and, moreover, that each and every tract of land sold by the United States, after the first day of September, in the year one thousand eight hundred and nineteen, shall be and remain exempt from any tax laid by the order, or under the authority of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sale thereof: and that the lands belonging to citizens of the United States, residing without the said State, shall never be taxed higher than the lands belonging to persons residing therein: and that no tax shall be imposed on lands the property of the United States," &c.—[Laws of the United States, vol. vi. p. 393.]

Here the States expressly covenanted to renounce all claims to the waste and unoccupied lands belonging to the General Government, and not to tax them during a period of five years after their sale. The claim now set up by the new States was directly in the teeth of this solemn covenant—a compact coeval with the political existence of those States.

How was it that, after those States had enjoyed all the benefit of the compact, on their side, they turned about and asked of the General Government to relinquish all the benefits on its side of the bargain? If they wished the Government to be faithful to its pledges, let them be faithful to theirs. Alabama was one of the parties to this contract; and Mr. W. contended that she was still fully holden by it; and so were all the other new States, received in like manner. He trusted the gentleman would not persist in seeking to engross all the benefits to himself, and leave none to the rest of the Union. He hoped the gentleman would let the public domain remain in its present condition. If not, in what condition would the country be placed? The Government had received more than twenty millions of dollars from the State of Ohio for these very lands.

[Here his remarks were cut short by the expiration of the hour allotted to resolutions. On the next day he resumed as follows:]

Mr. WILLIAMS resumed the course of his remarks, by observing that he had not sought the present discussion; it had been forced upon him by the gentleman from Alabama. That gentleman had chosen to discuss his resolution, and Mr. W. hoped the House would excuse him for proceeding in the discussion of the amendment he had offered.

When the debate had been cut off by the expiration of the hour yesterday, he had been endeavoring to show that if the United States should consent to relinquish to the new States the public domain, they would be required, by every consideration of equity and justice, to refund to the State of Ohio all the money paid for public lands within the limits of that State. If the public lands were to be relinquished to Alabama, Missouri, and the other States, where the land lay, it must be on the principle that the Government had no right to hold them, and could not, under the constitution, rightfully enjoy the benefit of the consideration money received for them. If this were a just and sound principle, then it applied with equal force to the past, as to the present, or the future; and the Government must refund the whole amount they had received. Now, they had been paid, by settlers in the State of Ohio, more than twenty millions of dollars. He asked whether the House would adopt a policy which would render it necessary to refund the money? He hoped not. Again: If the Government refunded to Ohio, they would be obliged to do the same to other States. When the public domain had been disposed of, must they not reimburse the State of Virginia for all the loss she would sustain from the adoption of this line of policy? Unquestionably. Suppose this should require twenty, thirty, forty, or fifty millions of dollars; must not the whole be paid? Undoubtedly.

Mr. W. now proceeded to inquire what had been done by the United States' Government for the new States, admitted into this Union, in consequence of their population having settled portions of the public domain. On this subject much misapprehension existed in the country. Congress had made very liberal grants to the new States.

I. They had been allowed every 16th section in each township for the support of common schools.

II. They had been allowed five per cent. on all the sales of public lands, to be applied to the construction of roads, (three per cent. by the State Legislatures, and two per cent. by Congress.)

III. All salt springs, within their limits, had been given them, together with all the land requisite for the working of them in the manufacture of salt.

IV. Seventy-two sections in each new State had been granted to endow seminaries of learning. And to the State of Alabama there had been given 1,620 acres of land for the seat of Government. Were not, then, great advantages enjoyed solely and exclusively by the new States? All these were over and above the share due to those States, on an equality with all the others, in the proceeds of the public domain. Ought not those States to be satisfied? Ought they not gladly, thankfully, to receive what had been granted them, and to be contented with the exclusive privileges they enjoyed? It seemed to him that they ought.

The gentleman, however, maintained that the new States were injured, because they did not enjoy the right of taxing all the lands within their limits. He thought that the advantages enjoyed by those States were a full equivalent for this privation. The restriction was confined to five years. But, supposing the lands did belong to those States, would they tax wild land not appropriated? Did the State of Virginia tax all the lands within her limits? Would the State of Alabama attempt such a thing? Who would pay the taxes if they should be laid? Who would pay the tax of land that had no owner but the public? How was it to be taxed unless it should be sold? And how, then, was Alabama injured, seeing that if she owned the land she could not collect the tax?

The gentleman from Alabama had expressed his surprise that a proposal for a mere inquiry should meet with such decided opposition; especially as the subject had been recommended to the consideration of the House, in the message of the President. If that gentleman was surprised at the opposition, Mr. W. was equally surprised at the introduction of the resolution. The subject of the message had been referred, according to the uniform usage of the House, to appropriate committees. This was a thing of course. But Mr. W. hoped it was not a thing of course that the House should originate every measure recommended by the Executive. The President acted upon his own responsibility; the House upon its responsibility. Each department of Government must act according to its own sense of duty. On this ground the gentleman from Indiana [Mr. Boon] had consented to withdraw his resolution. But the gentleman from Alabama had persisted in his, and had gone into a lengthy discussion of it. What was the obvious inference from the gentleman's conduct? That this project of giving up the public lands would gain additional strength, should his resolution be adopted. If the gentleman did not believe this, why had he pressed his resolution? He must have thought that it would further the object he had so much at heart. Well, it was for that very reason that Mr. W. had opposed the resolution. He was unwilling that even an inquiry should be entertained upon the subject. The measure appeared to him so wholly inexpedient that he would not even consent it should be taken up at all. Suppose a gentleman should get up and move a resolution that it was inexpedient longer to continue the present Government of the United States; would it be entertained? Mr. W. thought the present resolution much of the same kind. He was opposed to all projects of this kind. He was aware, indeed, that the subject would be brought up before the House by the report of a committee. He trusted that committee would take the course which he approved; and he trusted also that the gentleman from Alabama would follow the example of the gentleman from Indiana. The Government had no right to give up the public domain. It would be an unconstitutional act. Where was the word or syllable in the constitution which empowered Congress to make such a surrender? It was true that there might have been some acts of cession previous to the adoption of the constitution; but that instrument recognised all the obligations which bound the Government at the time of its adoption, and this Government was bound to fulfil them. Congress were bound to use this public domain as a common fund, for the common benefit of the people of all the States. Where was the right of the House to divert this fund to a different purpose? It was true the constitution empowered Congress, generally, to dispose of the property of the Union. But in this case their duty was specifically declared, and they could not evade it.

He was opposed to the relinquishment of the public fund, because it operated, in effect, as a cement to the union of the States. All such bonds ought to be cherished and guarded. Whatever tended to weaken them ought to be deprecated and promptly put down. It was a dictate of sound philosophy and universal experience, that mankind would always act in accordance with what they believed to be their interest. If it was the interest of the people of the United States to support the General Government, and that the existing union of the States should flourish forever in immortal youth, then a measure could not be wise that tended to destroy the Government and obliterate the attachment of the people to the Union. Were it for this reason alone, Mr. W. would never consent to part with the public domain. It constituted an inexhaustible fund for the good of all. It would meet all the exigencies of the nation; it would pay the public debt; it would enable the nation to borrow money whenever it might need to do so; it would raise her army; it would equip her navy; it would pay the expenses of Government. Why should the Government give it up? He trusted such a measure would never succeed. The nation possessed a Government unrivalled in the annals of human history. Would they do a deed that must blast all the fair hopes of its perpetuity? He trusted not.

[After Mr. W. had concluded his remarks, the whole subject was, on motion of another member, ordered to lie on the table.]

SOUTHERN ASSAY OFFICES.

On the motion of Mr. CARSON, the House then went into a Committee of the Whole, Mr. Clay, of Alabama, in the chair, and took up the bill to establish assay offices in the gold regions of the South.

Mr. CARSON, who had reported the bill, moved to fill the blank for the salary of the assayer with the sum of $1,500; and that appropriating money for the whole expense of the four assay offices to be created, with the sum of $20,000. He proposed that the compensation of the commissioners to be appointed for the selecting of the several sites for the assay offices should be four dollars per day.

Mr. ROOT said, it would really afford him great satisfaction, if the gentlemen from the South, who were always found to be so sedulously careful to guard against all infringement of the constitution, would be so obliging as to inform him from what clause or part of the constitution they derived the power to pass such an act of Congress. He well remembered that the gentleman who had reported this bill [Mr. Carson] was always extremely careful as to the exercise of any implied or assumed powers. Even the encouragement of an agricultural production of great interest proposed by a bill at the last session [Mr. R. alluded to the silk bill] had been successfully opposed by that gentleman and others from the same quarter, on the ground that Congress possessed no power to pass such an act. What was the object of the present bill? It was simply to assay gold for exportation. It was not intended that the gold assayed should go to the mint, and come under the power given by the constitution to coin money. Its value was to be fixed upon the scientific principles to be furnished by the director of the mint, for the purpose of ascertaining its fineness for the jeweller or the exporter, and to save them the trouble and expense of assaying it. He hoped the time was not far distant when it would become profitable to take gold to the mint. Whenever the bill reported by his colleague should come up, he trusted a decision would be had upon it which would render the mint useful for other purposes than stamping gold for exportation. The advantages to be derived from this bill be regarded as of little importance compared with that, to say nothing of the constitutional question. Under his present views of constitutional power, he moved to strike the enacting clause from the bill.

Mr. CARSON said he was never in his life less prepared to go into the discussion of any question. He had arrived in the city but this morning, and had not had the opportunity of looking into a single paper. If the gentleman wished an explanation, he hoped he would waive his motion for the present, and suffer the bill to go through the committee, and be postponed for a day or two. He could only answer his question now, by asking another—where was the constitutional power for establishing a mint derived?

Mr. ROOT thought it would be better for the committee to rise and report progress. As to the gentleman's question, it was easily answered. Congress had power to create a mint, as a necessary instrument or tool for the coining of money. If it had power to plough a field, it had power to make a plough to do it with. But these subordinate assay officers were no help towards coining; they only stamped the gold for sale or exportation.

Mr. CARSON said the assay was the first step in the process of giving coin its established value. His constituents wished to avoid the risk of transporting their gold all the way to Philadelphia to have its value fixed.

Mr. CLAYTON, of Georgia, expressed his hope that the gentleman from New York would consent to the bill's passing the committee. It was of great importance to the State from which he came. Gold was fast becoming to the South a subject of greater interest than any other product except the staples of those States, insomuch that the citizens of the State of Georgia had resolved on sending a deputation to Congress upon the subject. As to the constitutional question, the gentleman from New York would himself admit that the people of the Southern States were as little disposed to violate the constitution as any citizens of the Union. In order to carry into effect the provision of the constitution giving Congress power to coin money, an assay office had been established at Philadelphia. All they asked was, that branches of that office might be established, for greater public convenience, within their own States. Mr. C. said he was well acquainted with the frauds and speculations practised on the owners of gold, and would, at a proper time, present to the committee many facts on that subject.

Mr. CAMBRELENG hoped the wishes of the gentleman would be complied with. His colleague had himself lately offered a resolution, proposing, as well as he recollected, something about the assay of foreign coins. That involved the same constitutional difficulty with the present bill.

Mr. ROOT stated the reasons why he could not consent to suffer this bill to pass without opposition from the committee into the House. The committee was the proper place to collect the requisite information, and to discuss the constitutional question before the gag should be imposed upon them in the shape of the previous question. Possibly the suggestion of his colleague [Mr. CAMBRELENG] as to the constitutional difficulty attending a resolution calling upon the director of the mint to state to the House the relative value of gold and silver coins, was correct; the gentleman might find some constitutional question even in such inquiry; some solemn invasion of the constitution might be involved in it. But here was a bill appropriating money, creating new offices and new salaries; and a Committee of the Whole was the proper place to discuss it. Gentlemen pretended that these assay offices were required in connexion with the mint. No doubt, if the mint coined gold, and silver, and copper, it must have gold, silver, and copper to coin; but it must also have iron to use in the coining. But if the argument was a good one, he supposed that wherever there was a forge or an iron foundry, there must be an assay office to stamp the iron as of the first, second, or third quality. He must insist upon his motion.

Mr. PENDLETON said that he understood the objection of his colleague to this bill to be, that the operation of an assay would be performed at the expense of the public, instead of being paid for by the individuals concerned. But as no seiniorage was required at the mint, the objection of his respected colleague did not lie. The assay of the metal was the initiatory operation in the process of coining; and if it was constitutional to coin, it was, therefore, constitutional to assay; and if it was constitutional to assay at Philadelphia, it was equally constitutional to assay in Georgia, Virginia, or the Carolinas.

Mr. FOSTER said he had himself anticipated some constitutional difficulty, and, with a view to obviate it, he proposed to amend the bill by adding the words "as branches of the United States mint."

Mr. ARCHER thought there was no necessity of deciding the constitutional question whether the United States mint could rightfully extend its branches into the different States. He wanted to know, first, what necessity there was for creating the establishment proposed. The bill went to erect four assaying establishments—one in Virginia, one in North, and another in South Carolina, and a fourth in Georgia. Now, he was very sure there was no want of any such office in his own State. All the gold that had been, or was likely to be found there, was not of sufficient amount to authorize such a measure; nor had the committee any evidence before them to show the necessity of erecting these offices in the other States named. He should therefore vote for striking out.

Mr. CARSON asked the gentleman whether he had read the report and documents?

Mr. ARCHER replied that he had.

Mr. CARSON expressed surprise at his opposition, but was willing to strike out the State of Virginia from the bill. The greatest difficulty of the gold proprietors was to have its value ascertained. They had a scientific gentleman at the South who had assayed the metal, and stamped it in pieces of different sizes, of the value of one dollar, five dollars, ten dollars, &c.; but this assay was destitute of official authority, and speculators availed themselves of this state of things to defraud the gold proprietors. The gentleman was not probably aware of the amount of gold produced. The year before last it had amounted to 204,000 dollars in North Carolina alone, and last year that amount had been doubled.

Mr. CLAYTON said that they only asked that advantage for their gold which was enjoyed in the gentleman's own State by the tobacco of Virginia, viz: having its value increased from being officially ascertained. Mr. C. insisted that the practical effect of the bill would be, not to prevent American gold from reaching the mint, but rather to give it that direction. At present, much of the gold went into the hands of a jeweller, and thence found its way to Europe.

Mr. BOULDIN said that, from the first time he had heard of the proposition in this bill, he had been reflecting much on the subject, and was unable to make any distinction between the inspection of flour, beef, or tobacco, and the assay office, now desired to stamp the degree of fineness upon this article of commerce. The Government of the United States had no power to pass such a bill. The regulation of inspection laws was adverted to by the constitution in terms, and was expressly declared to be within the control of the States alone. Nor was the accidental fact that the gold of North Carolina or Georgia would thereby find its way to the mint any reason why this inspection should take place under a law of the United States. Every valuable object proposed by this bill might be attained by a State taking precisely the same measures in relation to gold as it did in respect to flour, fish, or tobacco. It was said, indeed, that the owners of the gold were cheated by sharpers; but Mr. B. thought that the United States' Government had gone quite far enough in the effort to set themselves up as regulators of the local concerns, not only of States, but of individuals. He trusted that no such things as inspection laws would be attempted by the General Government, whether as to gold, brass, iron, or lead. Mr. B. had not examined the reasons which might or might not induce the States concerned to pass such laws as should prevent either the dealers from cheating the buyers of gold, or the buyers from cheating the dealers.

Mr. **ROOT** having withdrawn his motion to strike out,

Mr. **FOSTER** proposed the amendment he had before mentioned, viz: to add the words "as branches of the United States mint." Mr. F. professed as great delicacy as any other member could feel in relation to the powers of the General Government; a subject on which he hoped never to slumber, whether his own interests or those of others were concerned. He held the erection of these assay offices to be perfectly constitutional, under that clause which empowers the General Government to coin money. If it was constitutional to create a mint, and to erect, as its auxiliary, an assay office at Philadelphia, why was it not equally so to establish similar offices elsewhere? Soon after the gold mine had been discovered, the assayer had marked the pieces of metal, of various value, from one dollar upwards. The difficulty had been suggested at that time as to the constitutional right; but the difficulty had been met by the consideration that such pieces could not be made a legal tender but by the authority of Congress. If the General Government should stamp them, they would then pass into circulation as coin. If these offices were merely for inspection, he should admit the force of the objection which had been urged by the gentleman from Virginia, [Mr. Bouldin;] but they were for a different purpose, and would be nothing more than branches of the mint.

Mr. **ELLSWORTH** inquired whether there had been any communication with the officers of the mint as to the measure of extending it by branches. Mr. E. was desirous of knowing both the necessity of such a measure and its consequences. It might be proper to inquire whether further guards were not necessary before such a measure should be adopted. Mr. E. was entirely uninformed upon the subject, and desired further preliminary information.

Mr. **DEARBORN** suggested that the difficulty might be obviated by inserting the words "as branches of the assay office."

Mr. **HOWARD** observed that the effect of the amendment proposed by the gentleman from Georgia, [Mr. Foster,] would be such as that gentleman did not anticipate, unless further provisions were added to the bill. As it stood at present, the bill left the mint to be regulated as by the existing laws. If these offices were to be branches of the mint, they would be subject to the same rules with the mint; and one of those was, not to assay bullion unless for the purpose of converting it into coin. All bullion brought to the mint was required by law to be left there until it should be coined. To introduce a regulation like this into the assay offices would defeat the very object of creating them; which object, as stated by the gentleman from North Carolina, was to enable the owners of gold to sell it in the form of bullion: the law, however, clothed the director of the mint with power to contract with the owners of bullion to exchange it for an equal weight of coin. But the director could not transfer this power to the proposed offices, unless the law should authorize him so to do. If an individual purchased coin with bullion, the ordinary rule was to deduct one-half per cent. as seiniorage. This would have to be paid by the people of Georgia and the Carolinas; nor would even this regulation take effect without farther provision in the bill. The object of the measure was to enable the holder of gold to receive its value as quickly as possible, and the bill might be so constructed as to enable him to receive it at once.

Mr. **FOSTER** quoted the law establishing and regulating the mint, to show that the Secretary of the Treasury had a discretionary power as to the rules of assay, and he could obviate the difficulty suggested when he should lay down rules for those offices. Mr. F. dwelt upon the great convenience of having a branch of the mint established in the region where gold was produced: it would be a benefit, not only to the parties immediately concerned, but to the whole community, by introducing a small gold coinage instead of the small bills at present so much objected to.

Mr. **HOWARD** reminded the gentleman from Georgia that, though the Secretary could make regulations under the law, he could not make regulations inconsistent with the law; and, as the law confined the power in question to the director of the mint, the Secretary could make no rule giving that power to any one else.

Mr. **COKE** said it would give him much pleasure to vote for both bill and amendment, if his principles did not oppose both. But believing that the General Government did not possess the power to do what the bill proposed, he would not consent to exercise a power indirectly, which could not be done in a direct manner. If he was compelled to vote at present, he should be obliged to vote in the negative: he therefore moved that the committee rise, report progress, and ask leave to sit again; but

At the suggestion of Mr. **TAYLOR**, the motion was withdrawn, and the bill for the present laid aside.

ASYLUMSF OR DEAF AND DUMB, AND BLIND.

The committee then proceeded to consider the bill granting a township of land to the New England Asylum for the Blind, and the New York Asylum for the Deaf and Dumb.

Mr. **CAMBRELENG** moved to amend the bill by making a similar grant to the Asylum for the Blind in New York.

Mr. **WARD** said he was in favor of the bill as it had been reported by the committee to whom it had been referred, and he hoped his honorable colleague [Mr. Cambreleng] would withdraw the amendment which he had proposed in favor of the institution for the blind in New York, because, he said, that he should deeply lament the rejection of this bill, which, he said, might be the consequence if such a proposition should prevail; for if one amendment should be admitted, no one could predict, with any degree of certainty, where we should stop. Besides, (said Mr. W.,) it is not usual to amend a bill in this manner, when in Committee of the Whole, by tacking a similar application to it: such amendments have heretofore been invariably rejected. The application (said Mr. W.) ought to have been referred, in the first instance, to one of the standing committees, or to a committee raised expressly for the purpose. Mr. W. said that the committee had not been informed whether a foundation had as yet been laid for the institution for the blind in that city. He hoped the bill under consideration would not be embarrassed by the amendment proposed; and he promised his colleague [Mr. Cambreleng] that should the bill be reported in favor of that institution, he would give it his cordial support. Mr. W. stated that he had done himself the honor to submit to the House the memorial from the Deaf and Dumb Institution in New York, which was referred to a select committee, and this bill was reported for its relief from the said committee, by the honorable gentleman from Massachusetts, [Mr. Everett;] and he therefore felt interested in the success of the application. He said it was proper to remark that, in the year 1830, a bill passed the Senate granting a township of land to this institution, which he regretted to say was lost in the House for want of time to act upon it. Mr. W. said he would take this occasion to observe that this institution was first opened as a charity school in May, 1818, and has been fourteen years in operation, during which time its founders have had to contend with very many difficulties, which have been in a great measure surmounted. The directors have completed a building sufficiently large to contain all the deaf mutes who may be disposed to attend the institution from that and the adjoining States. The building will accommodate at least two hundred, the aggregate cost of which, including other buildings connected with it, and the improvements made in ornamenting the grounds about it, was something like $37,000. The State of New York contributed, by an act of the Legislature, passed in 1827, $10,000 to that laudable object; and the sum of $16,000, or thereabouts, was contributed by the benevolent citizens of the city of New York; and the balance was raised by a loan, the greater part of which is now due. To meet this debt, as also to enable the directors to extend the benefits of the institution to a larger number of deaf mutes, is the object of the prayer of the directors. They have not asked that the bounty of this nation should be extended to them without showing, in the first place, that private charity has done something for the creation of an institution: they have shown that a foundation has been laid, and that the institution is in full operation, and extending the benefits of instruction, so far as its means will enable it to do. Private benevolence has done much, and should the public bounty conspire, a beneficial result will be produced. Sir, the individuals who have laudably undertaken to superintend that institution, acting from humane and benevolent motives, have not only contributed liberally in money, but have devoted their time, their attention, and their labor to the object, without which no institution can flourish, and without which it is not at all probable that the bounty of the nation would call private charity into action. That institution is now in a flourishing condition, and the patronage of the Government is only required to render it one of the most useful in the country. The directors have taken unwearied pains to procure competent assistants from the Royal Institute, where the principle and practice of the Abbé Sicard are pursued. Indeed, sir, they have proceeded thus far with a full determination that the institution should stand among the first for the instruction of mutes in this country, and all they now ask is additional means. Thirty-two indigent mutes have heretofore been annually admitted at the expense of the State of New York: the Legislature of that State having appropriated the necessary means for that object. The State provides for no more, although there are now at least 1,000 deaf mutes within its limits; and it is to be regretted that there are numerous applicants, who cannot be admitted for want of further means. It has been estimated, doubtless by those well acquainted with the subject, that this unfortunate class exists in the ratio of one in every 2,000; consequently, there are upwards of 7,000 in the United States: of that number the State of New York contains at least the one-seventh part. In the New York institution, those mutes who are not able to pay any part of their expenses, are admitted as charity scholars; but in all cases where the parents are able to pay a part, then a part only is required. Sir, it is a lamentable fact, that, until within a few years, the deaf mutes throughout the world have been looked upon as outcasts in society, and that, with the best efforts of the friends of humanity, only a small number of them have as yet been raised from darkness, ignorance, and barbarism. Let us not be unmindful that they are a part of the human family; that they labor under deprivations brought upon them without their own agency, and most generally in the period of childhood; they are, therefore, peculiarly entitled to the sympathy of the community, to the liberal beneficence of the nation. The means to raise them to the state of human understanding is no longer unknown; the veil is now withdrawn; methods have been discovered to compensate, in a great measure, for the privations they have suffered in the loss of hearing. Charity rejoices at the efforts made for their relief, and religion will lend its benign influence to consummate the noble work.

Congress has been bountiful to similar institutions. Grants of land have heretofore been made to the deaf and dumb institutions in Connecticut, and in the State of Kentucky. The population of the whole of the Eastern States exceeds but little (if any) that of the population of the State of New York; and he said if it were just to grant relief to the institutions in Connecticut and Kentucky, he would ask whether it was not equally just to grant relief to the deaf and dumb institution in the city of New York? Besides, said Mr. W., as large tracts of land have been granted for literary purposes in all of the Western States, and as we are daily told in this House that these lands belong to the States after the payment of the national debt, he thought that the claim now before the committee was paramount to any such consideration. The benevolent citizens of New York city, who have erected this institution, and who feel a deep and lively interest in its prosperity, are entitled to all praise for what they have already done; and when the fact is taken into consideration that those citizens have many calls upon their charity from every section of our country to aid in erecting churches, colleges, and other seminaries of learning and religion, as also for the relief of sufferers by fire and flood, and that in every instance they contribute to those objects cheerfully and with an unsparing hand, it seemed, he said, to him, that they were now entitled to some consideration. Mr. W. said, that as he was not one of the Representatives for that city, but as he had the honor to represent the adjoining congressional district, he considered himself at liberty thus to speak; as no motives of delicacy restrained him in this respect, he could speak, he said, of things as they were, without the imputation of making an improper compliment. He conceded to merit only its due, and he congratulated himself that the occasion had been offered him, and that the House had it in its power to extend a suitable reward to this institution, consistent alike with the policy of the nation and the dictates of humanity. But, he said, he did not wish to be understood as urging to this House that that State had claims upon this nation for its bounty; but he asked the relief solicited as an act of public charity, and he trusted it would be granted, in view of the motives which have guided the institution in all its measures, and more especially in this application. He begged, in conclusion, that a bill so laudable in its object might not be embarrassed by the amendment proposed by his honorable colleague, [Mr. Cambreleng.]

Mr. CAMBRELENG said he had offered his amendment only in consequence of the absence of the gentleman [Mr. Verplanck] who had presented a memorial in favor of that institution, and who was absent from his place on leave. All these institutions stood on the same common ground of humanity; but as the gentleman [Mr. Ward] seemed so solicitous, he would gratify him by withdrawing the amendment.

Mr. IRVIN, of Ohio, moved an amendment, granting the same quantity of land to the institution in Ohio.

Mr. EVERETT expressed his hope that the gentleman from Ohio would follow the praiseworthy example of the gentleman near him, [Mr. Cambreleng,] and consent to withdraw his amendment, lest, by overloading the bill, its safety might be endangered. Two institutions for the deaf and dumb had been already endowed; but this was the first institution for the blind. He pledged himself to lend all the aid in his power towards a separate bill for the benefit of Ohio.

Mr. IRVIN could not consent to withdraw the amendment. The report of a standing committee had recommended a donation to the institution in his State; and, though it was situated beyond the mountains, that furnished no reason why it was not as worthy of patronage as if it was on this side. That State had paid into the treasury 18,000,000 dollars from the public lands, besides 13,000,000 more, which had gone to satisfy military warrants. All the expenses of the State were raised by direct taxation on the landed property; and was it just that the landholders of Ohio should be taxed to sustain this institution, and the General Government, so great a landholder, contribute nothing towards it? He thought the claim rested on considerations of justice, as well as humanity.

Before any question was taken, the committee rose, and reported the bills to the House, and asked and obtained leave to sit again on them.

The House then adjourned.

Thursday, December 20.

Mr. WILLIAMS resumed, and concluded his remarks in support of the amendment offered by him to the resolution of Mr. Clay, of Alabama, on the subject of a cession of the public lands to the new States, [as given above.]

This incidental debate was ended by a motion of Mr. SPEIGHT to lay the resolution and amendment upon the table.

Both Mr. CLAY and Mr. WILLIAMS expressed their assent to this arrangement.

AMENDMENT OF THE CONSTITUTION.

The following resolution, offered yesterday by Mr. Wickliffe, next came up:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following be proposed to the States as an amendment to the constitution of the United States, to take effect from and after the ratification of the same by the Legislatures of three-fourths of the States, viz: No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office of trust or profit under the authority of the United States.

Mr. WICKLIFFE repeated the wish expressed by him on a former occasion, that a vote should be taken on this subject during the present session of Congress. It was not his desire to press the question upon the House at this time, and he would therefore move to postpone it until this day week, and to make it the special order for that day.

Mr. SPEIGHT suggested that perhaps the preferable reference would be to the Committee of the Whole on the state of the Union; a resolution on an analogous subject had been committed to that committee, and a recommendation in respect to it, contained in the President's message, likewise had been subjected to its action.

Mr. WICKLIFFE regretted that he should differ in opinion with the gentleman from North Carolina, [Mr. Speight,] as to the proper destination of the subject which he had deemed it his duty to bring under their consideration. He should object to a reference to the Committee of the Whole on the state of the Union, because he was fully satisfied, from his experience in that House, of one fact; and that was, that one of the most successful modes of disposing of a question, without deliberating upon it, was to send it, in a short session of Congress, to a Committee of the Whole on the state of the Union; and thus, perhaps, to prevent an opportunity of taking a vote upon it. He should, therefore, propose to keep the bill upon the Speaker's table, if it were only to occupy as much of the time of the House as would suffice for the taking of the yeas and nays. He was satisfied that this could not be effected if the subject should be referred to a Committee of the Whole on the state of the Union. His (Mr. W.'s) mind had long been made up, at least as to the propriety of proposing such an amendment to the constitution. Upon that point he did not stand alone, but was supported by high authority. He might be permitted to say, that there had been chiding in some quarters as to why this question had not been considered by the last Congress, or the present one. He concluded by asking for the yeas and nays.

Mr. SPEIGHT shortly replied, and observed that his sole object in moving the reference of the resolutions to a Committee of the Whole on the state of the Union, was, that the whole subject might be brought up in connexion.

Mr. WICKLIFFE withdrew his motion to postpone till this day week, in order that the sense of the House might be evinced by yeas and nays on the proposition to commit to a Committee of the Whole on the state of the Union. He intimated that it was his intention to renew the motion to postpone, and make the resolutions the special order for this day week, in the event of the motion for commitment being negatived.

The yeas and nays were then taken on Mr Speight's motion, and it was negatived—Ayes 88, noes 91.

The resolution was then postponed to Monday next.

ASSAY OFFICES.

The House resolved itself into a Committee of the Whole on the same bills as yesterday; when "the bill for establishing assay offices in the gold region" was resumed.

Mr. ROOT asked, whether that seemed now to be constitutional, which, on another occasion, in the estimation of some gentlemen, at least, was not so? Here was an attempt made to establish offices for the inspection of a commodity for exportation, and to render the measure constitutional by appending it to the mint. The right of inspection was one which the United States had always reserved and exercised, and still should hold and exercise. But would the assaying of gold belong to the mint by the provisions of the present bill as now amended? and four new assay offices, connected with the mint, were asked for. Would it be for these establishments to ascertain the fineness of an ingot of gold, stamp the value upon it, and then let it pass for money? It might, indeed, practically pass as coin, because the coin of this country being worth more than its specified value, persons receiving these ingots might dispose of them advantageously. But would this stamped ingot pass as a legal tender in payment of debts? This attempt to establish the constitutionality of the measure, by appending the proposed assay offices to the mint, was getting round the constitution in a way, ingenious, indeed, but not novel. But would these offices belong to the mint? They would not. And if they should actually belong to it, then the House ought to pause before it passed the bill. To have four assay offices at a distance from the mint would not give the gold a tendency towards the mint, it would rather give it another direction. Last year, gold to the value of half a million of dollars was taken to the mint to be refined, assayed, and stamped; but it was not for the purpose of circulation. It was taken there for cheapness, and because this was done at the United States' expense. The mint must mix one-twelfth alloy with the gold, and fine gold would sell for more than gold so alloyed. But such were the powers of chemistry, that, if the gold was alloyed with silver alone, the silver could be extracted without expense; the silver obtained in the process being looked upon as an equivalent for the labor of the process. It ought to be alloyed with copper. It was evidently the interest of the proprietor of bullion to take it elsewhere than to the mint, because the mint not only assays, but must alloy the metal. These offices would, therefore, direct the gold elsewhere; it would drive bullion from the mint, whilst it was assayed and stamped at the national expense, for the purpose of being sent out of the country. If a law were passed to regulate the value of gold, gold enough would be taken to the mint to be coined; there would be no occasion for district assay offices for that purpose; it would make gold coin current in the country for what it was worth. Until then, the assay offices would not attract gold to the mint; they would give it a different direction. The law ought to be allowed to remain as it was. There was no necessity for putting the United States to the expense of twenty thousand dollars a year for no national purposes or use whatever. The mint was only of use to the United States in the coining of silver and copper. It was of no use to the States that two hundred thousand eagles, or that amount in eagles and half eagles, were coined at the mint last year. The nation was at twenty or thirty thousand dollars expense, but it was for the benefit of the proprietor of the gold, and for the jeweller, who, knowing the quantity of alloy contained in the gold so assayed and coined, could add more, and reduce the metal to the goldsmith's standard. The only advantage that could arise from the proposed assay offices was, that dealers would not be so liable to be imposed upon by Jews and sharpers as they used to be. If the law were made as it should be, there would be no occasion to invite gold to the mint. He hoped the amendment would be stricken out. It made the bill worse than it was in its first form, inasmuch as it made it appear to be a constitutional measure, when he could not conceive that to be the fact.

On motion of Mr. E. EVERETT, the further consideration of the bill was postponed.

LAND TO DEAF AND DUMB ASYLUMS.

The committee then resumed the consideration of the bill granting a township of land to the New England institution for the blind, and another to the New York asylum for the deaf and dumb. The question being on an amendment offered by Mr. IRVIN, of Ohio, proposing a similar donation to the asylum in Ohio,

Mr. VINTON offered, by way of substitute, an amendment for the same object, but so worded as to put the donation on the same footing as the school-fund was placed by the laws of Ohio.

Mr. IRVIN accepted the amendment as a modification of his own.

Mr. VINTON observed, that two donations of a similar quantity of land had been heretofore granted by Congress; one to the institution for the deaf and dumb, in Connecticut, and the other for that in Kentucky. The State of Ohio had also a school for the indigent deaf and dumb, but it had been incorporated and endowed by the State. This building had cost twenty-seven or thirty thousand dollars. The Legislature had been encouraged by the hope that the General Government would extend the same liberality (he might say justice) towards that State which it had towards others. Being without funds, the Legislature had appropriated a small fund derived from auction sales for the aid of the institution; it might amount, in all, to about three thousand dollars. In support of the amendment, Mr. V. sent to the Clerk's table a message from the Governor of Ohio to the Legislature, detailing the present condition of the institution; which was read, and the amendment was then agreed to.

Mr. EVERETT proposed an amendment, by way of substitute, for part of the first section of the bill. The amendment was rendered necessary by the fact that the bill, as it stood, made the grant conformable to the grants made to Connecticut and Kentucky: but these grants were not alike; and as the grant in the bill could not be like both, some difficulty would arise in interpreting the law.

Mr. WICKLIFFE suggested the propriety of placing the same limit to this grant as had been done in the case of Kentucky, viz: that the whole quantity of land should be located in one tract. To allow it to be located in small quantities made the grant of much greater value.

Mr. EVERETT admitted this, and said that that was its recommendation to him. As the object was beneficent, the ampler the grant the more good would be done. Though the grant to Kentucky had originally required the whole to be in one body, the law, he believed, had afterwards received a different construction, and the location had been made in the same manner as that of the land given to the Connecticut Asylum.

Mr. BELL thought it would be better for gentlemen to wait until they should see what would be the fate of the proposition to adopt a uniform rule as to the distribution of the public domain. He did not doubt the sincerity of the manifestation which had been made on this subject at the last session. Since then, they had had what seemed to be a counter-proposition. Did gentlemen, by urging the present bill, think to get the start of any final arrangement which should take place in relation to the public lands? How could those gentlemen, who were in favor of giving the lands to settlers at a price which should do no more than cover the expense of survey, consent to put so large a portion of the public domain into the hands of corporations who might hold it up at a high price? This donation was pressed on the ground that a similar one had been made to the States of Connecticut and Kentucky. But if this argument were valid, they would have to go round the Union, and give to all the States. All the States contained deaf and dumb, and blind; and if no asylum had been established in some, it was because their means of public charity were less. And if there were to be distinctions and partiality in legislation, he thought the weak ought first to be relieved. They, in the Southwest portion of the Union, needed such aid more than their brethren in the North and East. He thought some uniformity should be observed. Let these partial donations be suspended until a general rule could be agreed upon. As a test of the sense of the committee, he would move to strike out the enacting clause of the bill, [*i. e.* to destroy it.]

Mr. VINTON expressed great surprise at the objection, as coming from the gentleman from Tennessee, on the ground of inequality. The gentleman had inquired whether Ohio wished to get the start in a distribution of the public lands? This was a very pertinent inquiry. How stood the fact? The State that gentleman represented had received from the General Government, out of the public domain, 100,000 acres for colleges, and 100,000 acres more for academies; amounting, in all, to nine or ten townships; while none of the new States had obtained as much, and Ohio not a foot. He would ask that gentleman, in turn, whether, if a uniform rule should be adopted, he was willing to disgorge before a distribution should be made? He believed the gentleman would say no. It was singular that the gentleman from Tennessee and himself should always be found acting diametrically opposite on subjects relating to the public domain. When bills were proposed granting gratuities to individuals who had no other claim upon the Government than what arose from a trespass on the public land; when bills were proposed to grant (without any one's being aware of it) ten times as much as was given by this bill, the gentleman had always been in favor, and himself always opposed to them. Mr. V. went on the principle that as the public lands constituted a common fund, it was to be used just as the revenues of the treasury were to be used; and, therefore, while he should refuse to grant them for the benefit of individuals, he would go as far as any gentleman in appropriating them for useful public purposes. What was the objection to the amendments proposed by the gentleman from Massachusetts? Why, that the grantees in the bill were allowed to go, as all other purchasers of the public land went, and select tracts where they liked best. In the case of Kentucky, the land was required to be located in one entire township; and in that of Connecticut, it might not be in less tracts than of four sections. The objection urged, and with some force, against those bills had been, that they enabled the grantees to hold up large quantities of land from settlement, in order to avail themselves of the increased value arising from the settlements around. This objection was met and removed by the amendment. The practice of permitting locations in small quantities was so far from being a novelty, that it might be considered now as the established policy of the House. Mr. V. quoted various acts in confirmation of this remark. The gentleman from Tennessee had spoken about granting away a very large share of the public lands. Indeed! Should the amendment be adopted, the bill would grant away three townships of land; and what did that amount to? Not the hundredth part, not the three hundredth part, of one million of acres, out of the thousands of millions which had been given away to any who would take them. He had nothing further to say, than that what was now proposed was no more than had been granted for the benefit of colleges.

Mr. WILLIAMS, of North Carolina, said he was opposed to all special grants of the public lands; but, if any grant of this character was to be made, it ought to be equally enjoyed by all the States. He, therefore, moved an amendment.

But it was pronounced by the CHAIR not now to be in order.

Mr. EVERETT suggested that the motion to strike out the enacting clause of a bill was not in order, until the friends of the bill had had an opportunity of rendering it as perfect as they could.

The CHAIR replied that a motion to strike out the enacting clause of a bill was, at all times, in order.

Mr. BELL said that some of the remarks of the gentleman from Ohio [Mr. Vinton] were such as demanded a reply. The gentleman had observed that he and Mr. B. were always opposed to each other on subjects of this kind; but he could remind the gentleman, if it were worth while, that he had been opposed to many of his own friends in relation to the bills granting land to private settlers, to which the gentleman had also been opposed. When he had asked whether the gentleman from Ohio wished to get the start of any general provision for disposing of the public lands, he had intended nothing invidious by the remark; far from it. He had only called gentlemen to the fact that it might be supposed they had such an intention. However himself and the gentleman from Ohio might differ on some matters, in relation to this general subject they did not differ at all. On one, however, they differed most essentially. He never had permitted himself to be governed by feelings of an invidious character, or indulged in remarks which went to draw comparisons between the States as to what they had received from the General Government. Yet it had been his fate to endure this tirade of abuse from the gentleman from Ohio, whenever his State was adverted to. Mr. B. wished to disabuse the committee as to what they had heard. It was not true that the State of Tennessee had received what the gentleman had stated. In 1806 she had received a donation of 206,000 acres of land for colleges; but it was of land which did not rightfully belong to the United States, but was sold over the heads of settlers who had been upon it all their lives, and who had a pre-emption right to the land they held; and the State had never been able to make the land available to one-fourth part of the minimum price established by law.

It was true that the Legislature of the State had laid claim to another portion of lands to which they maintained that the United States had no just right. Of the prudence of this step, on the part of the Legislature, he should express no opinion. But he disclaimed utterly all imputations of selfishness on this subject. He had been opposed to many projects in that House, which would have been for the benefit of his own State, and had sacrificed largely to what he believed would tend to the peace and harmony of all the States. He had never governed his votes by any consideration of what the State of Ohio got, or did not get. He was in favor of the adoption of any rule that would give general satisfaction; and he trusted that Congress would express its sentiment as to the impropriety of proceeding in the present course of partial legislation.

Mr. B. denied having intended to say that the land now proposed to be appropriated formed a large proportion of the public domain. What he meant had been this: that, if Congress should proceed in the course proposed by this bill, and others of a similar character, a large portion of the public lands would have to be given away in such donations; and that they would interfere with the adoption of any general and equitable rule of distribution.

Mr. CLAY said that the proposition in this bill, as it had been originally reported, was of sufficient importance to deserve the consideration of the House, but the adoption of the amendment had given it a much more important aspect. In fact, the whole character of the bill had been changed. At first, it had been proposed to make a donation only of such lands as had been exposed for sale at private entry; but as the bill now stood, land might be selected which had never been offered at sale at all, and in tracts as small as eighty acres. This went beyond what had ever been done even by the new States where the lands lay. The gentleman from North Carolina [Mr. Williams] had given notice that he should offer an amendment extending a similar donation to all the States of the Union. In conducting the discussion, subjects had been introduced which he considered as wholly irrelevant—the propriety of granting pre-emption rights, and the character and merits of the settlers of land. He would, therefore, move that the committee rise, report progress, and ask leave to sit again.

The motion was negatived.

Mr. EVERETT said that, out of respect to the suggestion of the gentleman from Alabama, [Mr. Clay,] and in compliance with the wishes of some of his friends, he would modify his amendment, so as to insert, after the word "land," the words "subject to entry at private sale."

Mr. IRVIN said he believed the Government did not own a single foot of land in Ohio, which had not been offered for entry.

The question was now taken on Mr. Bell's motion to strike out the enacting clause, and decided in the negative.

The question then recurring on Mr. Everett's amendment,

Mr. CLAY wished him to modify it so as to limit the time of sale to five years.

Mr. EVERETT expressed his regret that he was unable to comply with the suggestion. It was the interest of the grantees to sell as soon as possible; the land was of no value to them until it was sold; to limit a time, within which the land must be sold, would compel the holders to sacrifice the land.

Mr. Everett's amendment was then agreed to.

Mr. WILLIAMS now offered his amendment in the words following:

"*And be it further enacted*, That there is hereby granted to each and every State which has not heretofore received such grant, one entire township of land, on the same terms and conditions as are contained in the first section of this act, to be appropriated by said States for the support and maintenance of schools or asylums for the education of the deaf and dumb, and blind, in said States respectively.

Mr. SEMMES suggested the propriety of modifying the amendment, so as to allow States where there was no institution for the deaf and dumb, to send them abroad into other States. This was done by the State of Maryland, notwithstanding large appropriations had been made by the Legislature for the deaf and dumb of the State, who were, nevertheless, sent to the institution in Philadelphia.

Mr. SLADE offered an amendment to the amendment of Mr. Williams, as follows:

"Or in case any State shall have no such school or asylum within its limits, for the support and maintenance of its deaf and dumb, at such schools or asylums as it may direct."

Mr. WILLIAMS accepted it as a modification.

Mr. MASON, of Virginia, observed that there was a principle contained in the amendment, which was of the greatest importance. It had been suggested, with a view of carrying out the idea advanced by the same gentleman who had offered the amendment, viz: that the public lands were a common fund for the benefit of all the States of the Union; hence it was proposed to make the same grant to every State. The principle to which he alluded was, that the United States might rightfully prescribe to the States the purposes to which they should apply their own property. He trusted the committee were not prepared to establish such a principle as this. If gentlemen looked at the principles of this grant, and at the gross and palpable inequality in which it must result, they must be sensible that the advantages to be gained would not be sufficient to compensate for the monstrous principle that would be established. If the object was uniformity, this measure would effectually prevent it; but if, as had been asserted, the public lands were to be viewed in the same light as so much money in the treasury, then he utterly denied the right of Congress to make any such application of it. He was gratified at witnessing the position taken by the gentleman from Tennessee, and hoped to see a more unequivocal expression of the opinions of the House in its favor. He was opposed to the amendment, as involving the right of Congress to distribute the public lands unequally among the States, and to dictate to the States how they must dispose of their own property. His original opposition to the bill had been greatly strengthened and confirmed by the amendment which had been offered.

Mr. BATES, of Maine, inquired of the gentleman from North Carolina whether he would modify his amendment, so as to add after "deaf and dumb" the words "or blind."

Mr. WILLIAMS consented.

The question was then taken on the amendment as thus modified, and decided as follows: Yeas, 78; noes, 43.

So the amendment was agreed to.

Mr. WHITE, of Florida, moved a further amendment, so as to allow the land appropriated to be taken out of any land belonging to the States not otherwise appropriated. The grants, hitherto, had all been located in the Territories.

This amendment was also agreed to.

Mr. SEVIER moved to add after the word "States" the words "and Territories;" but it was negatived.

Mr. McKENNAN (to cover the possibility of the rejection of Mr. Williams's amendment, when the bill should come into the House) moved an amendment, granting a township to the Pennsylvania institution; but it was negatived.

As was also an amendment proposed by Mr. WICKLIFFE, to include the District of Columbia.

Mr. JENIFER offered an amendment, giving power to the States receiving the land to apply it to any purpose of education they might prefer.

This was negatived.

Mr. CLAY moved a proviso, limiting the period of sale to five years.

Mr. EVERETT accepted this as a modification.

The committee then rose, and reported.

Friday, December 21.

RELATIONS WITH BUENOS AYRES.

The following resolution, offered some days since by Mr. Adams, came up for consideration:

Resolved, That the President of the United States be requested to communicate to this House, so far as in his opinion may comport with the public interest, the correspondence between he Government of the United States and that of the republic of Buenos Ayres, which has resulted in the departure of the Chargé d'Affaires of the United States from that city.

Mr. ADAMS modified the resolution, by adding the words "and instructions to said Chargé d'Affaires."

He said that he did not know that there would be any opposition to this resolution. It related to the question between the United States and the Government of Buenos Ayres. [Mr. A. here quoted the message of the President at the opening of the last session, in which the difficulty with the Government of Buenos Ayres is stated, and the intention of sending out a Chargé d'Affaires to settle it.] The minister had been sent accordingly; but, after some negotiation, he had returned without effecting an adjustment of our difficulties with that Government. Before his return, the Executive had declared in his message of this year—

"I refrain from making any communication on the subject of our affairs with Buenos Ayres, because the negotiation communicated to you in my last annual message was, at the date of our last advices, still pending, and in a state that would render a publication of the details inexpedient."

Since the date of this communication, the negotiation referred to had terminated, and the Chargé had returned. It appeared to Mr. A. that the subject was one which deserved the attention of Congress. The country seemed to be, towards one of the Governments of South America, in a condition approaching to a state of war. It was the duty of Congress to ascertain what was the nature of our difference with that Government, and whether any measures were necessary for the protection of the commerce of the people of the United States. There was an additional reason for the adoption of the resolution. Since the rupture of the negotiation the Government of Buenos Ayres had published in the Spanish language the correspondence between the two Governments, together with a communication from the Buenos Ayrean Minister of Foreign Affairs to that republic, in which it was represented that that Government had cause of complaint against the Government of the United States; and there was reason to believe that the impression existing there was strongly against the United States. The minister there stated that his Government had a claim for indemnity on this country for outrages committed against its citizens, and for which they should rely upon the justice of the United States. Under these circumstances he had deemed it his duty to present this resolution.

Mr. ARCHER (chairman of the Committee of Foreign Relations) observed that there was no ground to fear a war with Buenos Ayres. It was true that the negotiations between the two Governments had been suspended; but that of Buenos Ayres had since then manifested a disposition to renew it at this place. He presumed there could not be the least objection to a full disclosure of all the resolution called for.

The resolution was then agreed to.

APPOINTMENTS OF MEMBERS OF CONGRESS.

The following resolution, offered by Mr. Wickliffe, next came up for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the House a list of all appointments made by the Executive since the 15th of April, 1826, from the members of Congress during their term of service, and for twelve months thereafter; stating the names of the persons appointed; the State or Territory by them represented; the time when they were appointed; the nature of the appointment conferred; and the amount of salary or their emoluments received by virtue of such appointment.

Mr. FOSTER said that he had never opposed any call for information in that House, provided he considered the information sought by it to be useful and important. Since he had first heard the present resolution read, he had thought seriously upon the subject of it, and was wholly unable to imagine one single useful purpose that would be effected by the call, if it should be sent. It seemed a strange proceeding to call upon the President for what every member could obtain for himself; to call upon him for appointments made long before he came into office; to call on him for what could at any time be obtained by taking a walk to the other end of this building, and applying to the Secretary of the Senate. He presumed that all the appointments the gentleman wished to inquire about had passed through the Senate. The President would have to go back six or seven years, and compare all the appointments of the Government with lists of the members of different Congresses; and all to what purpose? From the source whence this resolution proceeded, and the resolution offered yesterday by the same gentleman on the subject of an amendment of the constitution, he should conjecture that the resolution had respect to such a measure. This object could be answered without any call upon the President.

He was with the gentleman in his proposed amendment of the constitution; but until such amendment should have actually been made, no resolution on that subject could have any binding effect. Could the resolution be designed as a reflection upon the President? Why, if the President had filled all the offices in the country from out of the two halls of Congress, no censure could affix itself to the measure so long as no clause in the constitution prohibited it. If the President was to be censured, the censure would light equally on all who had applied to him for office. Was it a greater crime to give an office to a member, than for a member to ask that office? The censure would go still further; it would touch not only all who had received office, but all who had asked it and been refused. There was no stopping place. He presumed there was hardly a gentleman in that House who had not been willing, at some time, to have received an office. He was sure he should. The censure, therefore, would reach from the President downward. It argued disrespect to the President to call upon him for information which every member could give in fifteen minutes. It implied a censure upon him which was wholly undeserved. It could lead to no good result; it could contribute no aid toward the adoption of the gentleman's amendment of the constitution, (which Mr. F. hoped soon to see inserted in that instrument;) and for all these reasons he should move to lay the resolution on the table. He would, however, withdraw the motion in favor of the mover, if he desired to submit any remarks in reply.

The motion having been withdrawn,

Mr. WICKLIFFE observed, in reply, that he was afraid the gentleman had served his resolution very much as the pious Quaker was said to have done a dog that had offended him; he would not hurt the animal, but would give it a bad name; by which means he set all the boys of the neighborhood to pelt the poor beast to death. The gentleman had given his resolution a bad name; he had thrown out the fatal idea that it was disrespectful to the President. The gentleman could not certainly infer this from the language of the resolution; and if he inferred it from the source from whence the resolution proceeded, he was equally mistaken. That the resolution conveyed any censure against the President did not appear upon the face of it, nor could it be argued from the source whence the resolution had emanated. Mr. W. did not conceive it to be in any way disrespectful to the Chief Magistrate to call upon him for information which might become necessary to enlighten the House in its deliberations upon the public concerns. He was well aware, however, that if that was the character given to his resolution, or if it was even feared that such an inference might be drawn from it, his resolution was destined to share the fate of other matters which had been ordered to lie upon the table.

Mr. W. denied that his resolution implied any censure either upon the appointed or the disappointed members of the House; nor was the information sought by it so easily obtained as the gentleman supposed. Even into the archives of the Senate, members of that House had no right to dive so long as the seal of secrecy remained on its executive proceedings. But were this otherwise, they must go further than the journals of the Senate. Some of the appointments might have to do with the Post Office Department; and for others it might become necessary to traverse the almost boundless regions of the Indian Department. It might be requisite to go to the books of the custom-house. There were some books in the bureaus that might possibly furnish much of this information in a condensed form. To all these sources the President had ready access, though the members of that House had not.

Mr. W. said he had offered a resolution containing a proposition for the amendment of the constitution in relation to the subject of appointments. Such an amendment he believed was desired by the great body of the people of this Union, but it could not originate with the people of the States unless it should first come from that House, except resort should be had to the tedious process of a convention of all the States. He thought it the duty of Congress to submit such a proposition to the Legislatures of the several States, and let them dispose of it.

He might be called upon to point out where was the great and alarming evil which called for remedy, and where was the danger of the growth of the evil? He might, to be sure, have recourse to newspaper statements; but then his faith would be regulated by the estimation in which they might chance to hold the integrity of the editors. There were many difficulties which he did not wish to encounter, in relying on any other but an official statement.

If this call was called disrespectful to the present incumbent of the Presidential Chair, other Presidents had been subjected to the like disrespect. The call was not without precedent. [Here Mr. W. referred to a similar call in Mr. Monroe's time.] As to applying to the President for what had transpired before he came into office, that was not very unusual, he believed. But he had a precedent directly in point. On the 26th of April, 1826, the House having under consideration a proposition to amend the constitution, called upon the President in these words: [here he quoted a call similar to his own.]

This resolution had passed without any imputation of censure on the mover of it, and it had been promptly answered. Thus a list was already furnished down to 1826. He now wished that list extended to the present time, so that the country might be satisfied either that such appointments were no evil, or, if they were, that the evil was rapidly increasing. Mr. W. concluded by expressing himself happy to find that the gentleman from Georgia was favorable to the amendment of the constitution he had proposed.

Mr. **FOSTER** said the reasons he had heard did not satisfy him that the resolution ought to pass, and he therefore renewed his motion to lay it upon the table; but withdrew it at the request of

Mr. **CLAYTON**, who obtained the floor just as the hour allotted to resolutions expired.

The House, on motion, passed to the orders of the day; which embraced only private bills.

Saturday, December 22.

MEMBERS OF CONGRESS.

The resolution of Mr. Wickliffe, under discussion yesterday, coming up again this morning--

Mr. **CLAYTON**, of Georgia, (who had obtained the floor yesterday, but having been prevented by the expiration of the hour from addressing the House,) observed that he had not yesterday intended to occupy the attention of the House for a long time; nor should he have spoken at all, but that he found himself differing in opinion from his colleague, [Mr. Foster,] for whose opinions he cherished at all times the highest respect. He could not consider the call contained in this resolution, nor any call made by Congress for information from any other department of Government, as having been dictated by improper motives. He took it for granted that all calls proposed by members of Congress were designed to answer some useful purpose. Few propositions could be of greater importance or utility than the amendments of the constitution proposed by the gentleman who had offered the present resolution. It was an object which the people of Georgia had long been very anxious to see accomplished, in proof of which it would only be necessary to refer to the journals of that House. It would there appear that one of the most patriotic and talented of her sons had advocated a measure of the same character, and, he was under the impression, had preceded it by a resolution containing a similar call. Of that, however, he would not be positive. There was certainly precedent for it, as the honorable mover had yesterday satisfactorily shown. But Mr. C. was fully satisfied that neither the amendment desired by that gentleman, nor any other amendment of the constitution, would ever pass in that House, unless it was first known and thoroughly approved by the people of the Union. The only way of reaching and influencing public opinion was to put facts before the public mind. Mr. C.'s object was to enlighten the community, by presenting to it a condensed view of the mischief growing out of the existing state of things; and with this view he wished them to see a complete list of all the members of Congress who had been appointed to office by the Executive recommendation, with the amount of salary attached to the offices conferred on them. He had not the least expectation that such a statement would have any material effect before that House; what he wanted was, to spread it before the people. The trouble that such a call might occasion to the officers of Government formed no objection to the adoption of the resolution, and he hoped no such argument would ever be advocated in that House. If the officers were not well enough paid, he would engage to find applicants in abundance to fill the places they might resign. It was to prevent members the trouble of culling out from all the records of Government the facts they might have occasion to refer to in the discharge of their official duties, that members of the House were clothed with the right of making calls upon the departments. Nor was the call to be considered as in the least disrespectful to the President. Calls of a similar kind had been made upon his predecessors. It did not ask for a list of those appointments only which had been made during his own administration, but during those also which had preceded it. Mr. C. said he should not go into the expediency of the proposed amendments of the constitution; but he held that a call for information that might be useful to the country ought never to be opposed. Ours was a Government resting entirely upon public opinion, and it was the duty of the people's agents to enlighten that opinion; nor was any individual so high as to be exempt from public scrutiny. He concluded by again observing that nothing could be more desirable to the people of the South, and, he hoped, to the people of the Union generally, than the adoption of such an alteration in the constitution as that to which this call had immediate reference. There was a vulgar saying, which was not the less true or apposite from the lowness of the figure, that if you wished to murder the master you must first kill his watchdog.

Mr. **SPEIGHT** confessed that he entertained the same opinion in regard to the constitution as the gentleman from Georgia who had just taken his seat; but he could not see the necessity of making a call upon the Executive for information which was already well known by all intelligent men in the country who were in the habit of reading the newspapers. He did not attach so much importance to the proposed amendment as some gentlemen did, because he did not see so much evil to grow out of the existing practice as many others. The amendment presupposed that something wrong existed at present; that corruption had grown out of the appointment of members of Congress to public offices, or was likely to grow out of it. It could hardly happen that a gentleman of the intelligence of the mover of this resolution could propose such an amendment in the sacred charter of our liberties unless he apprehended some great evil. Now, it was wonderful to him that it could escape the gentleman's attention how easily this amendment might be evaded.

[Here the **CHAIR** reminded Mr. S. that he was speaking to a subject not before the House.]

Mr. S. said he hoped the resolution would not be adopted. The call did not go far enough back; let it commence in March, 1825. He was aware that the information prior to that time had already been given, but he had no doubt it slumbered and slept in the minds of the people.

[Here Mr. **WICKLIFFE** rose to say that, if this call should be agreed to, he would then move that the document already furnished, and which extended down to the year 1826, should be reprinted, so as to present the whole in one view.]

This, Mr. S. admitted, would render the call less exceptionable; and he desired to be understood as not imputing to the gentleman from Kentucky any intention unfriendly to the President in proposing this resolution. He had no doubt the gentleman was actuated by patriotic motives. But he had the right of considering the propriety of the measures he proposed. He was very sure there was not one man in the country, in the least conversant with politics, but knew the name of every member of Congress who had been appointed to office within the last eight or ten years. It was said that he could not collect a list of them in twenty-four hours. The gentleman must surely suppose that the records were somewhere locked up from all access. The gentleman asked whether he would give the House a list of such appointments: however able he might be, he saw no need of making such a statement at that time. Any member of the House could obtain the information with far less trouble than a clerk in the departments.

Mr. BURGES said that it seemed to be agreed, on all hands, that it was needful to know the number of Representatives that had been appointed by the Executive to salary offices under the Government. The only question seemed to be, how it was to be known. The gentleman from North Carolina [Mr. Speight] had just told the House that the number and the names of the members of Congress so appointed were in the knowledge of every man in the country who read the newspapers. Mr. B. confessed it was not within his; and if it were, he was very sure it was not in the knowledge of his constituents. Now, he did not consider it to be his duty to write to each one of them, nor to order an advertisement to be inserted in the papers giving them the list desired. But the gentleman has observed that every member of the House could apply at the departments and obtain the information for himself. Now, he desired to ask the gentleman which would occasion to the clerks of the departments the less trouble—to make out a list of these appointments for every member who should apply for it, or make out a single certificate in answer to this call, and have that multiplied by the press? What objection could there be to knowing how the fact stood? It was requisite that this information should be diffused among the people, in order to judge of the expediency of the amendment of the constitution which might be proposed to them. No successful objection could be urged against the call, for information of a similar kind had already been given as far down as 1826. Why must it stop there? Why were gentlemen so reluctant to spread this information before the public? What interpretation would the community naturally put upon such reluctance? Obviously, one not very friendly to the reputation of that House. It would be said that the members of the House of Representatives were unwilling that their names should go out to the people. Would it not strike them with the suspicion that all was not right? Such a suspicion was wholly unfounded. Mr. B. never would believe that the two Houses were to be purchased by offices of honor and preferment. He had ever been against the proposed amendment of the constitution. He would not admit that the members might be corrupted; but if they were corruptible, it was at least more honorable to the country, and more creditable to the Executive also, that they were bought by office, than if they had been purchased by money. Gentlemen might be assured that if the members of Congress were actually in the market, the consideration would be found to purchase them in that great fund of honor and profit which was at the Executive disposal. To oppose the publication of the names called for by the resolution, was to strengthen, in the most effectual manner, every suspicion that might lurk in the minds of the people; it went to cast a deep and lasting reflection not only on the Executive, but on the men themselves who seemed thus to dread the exposure.

Mr. ISACKS said that he was not sure the information sought by this resolution would, when obtained, compensate for the time occupied in the debate on its adoption; nor was he, on the other hand, convinced that any evil would follow it sufficient to make it worth while to offer serious objection to its adoption. One short argument would induce him to vote for the resolution. During the last administration (to which he was thought to be opposed) he had voted for a similar call; he was supposed to be friendly to the present administration, and he should be ashamed to record his vote against a resolution of the same tenor with that he had once advocated. Whether the result would be very beneficial or not, (and he believed it might be of some small service,) he should vote in its favor.

Mr. HOFFMAN observed that the present call included such members as had been appointed within twelve months after their term of service in Congress expired: he wished to know whether the former document, which terminated in 1826, required a similar statement?

Mr. WICKLIFFE replied that it extended only to six months after the expiration of the congressional term. He had extended the term in compliance with the views of some, who thought that a twelve month's quarantine was none too long.

Mr. ADAMS inquired whether the yeas and nays had been ordered on the adoption of the resolution.

The CHAIR replied in the negative.

Mr. ADAMS then said that, whether they should be ordered or not, he should vote in favor of the resolution; and that, not simply in compliance with the courtesy which was usually extended to all members who desired to obtain information from any of the departments. He should vote for the call, as he was satisfied, from the notice given by the gentleman from Kentucky, [Mr. Wickliffe,] that he should follow it up by a motion for reprinting the information contained in a prior document of similar character with that now sought. As he understood it would not be in order to discuss at this time the amendment to the constitution, which was the basis of the present resolution, he should refrain from doing so. In voting for the resolution, however, he wished it to be understood that he did not at all agree in the views of its mover, in relation to the amendment of the constitution which he had proposed. He held that any alteration of the constitution, on that point, instead of an amendment, would be a great deterioration of the constitution; and, if the House should indulge the gentleman with the information he had called for, (as he hoped it would,) and the proposal for an amendment should come before the House in order, Mr. A. reserved to himself the right of stating, in a few words, the grounds and reasons on which he was led to think that it would be one of the most pernicious alterations in the constitution that could be proposed.

Mr. WICKLIFFE now demanded the yeas and nays on his resolution, and they were ordered by the House.

Mr. KENNON, of Ohio, said that he was in favor of the resolution. The amendment of the constitution, to which the resolution related, was not now a subject of discussion. This resolution was intended, as he understood, to call out the names of all the members of Congress who had received Executive appointments to office within a given period; and when the answer should be obtained, it was to be printed in connexion with another document which carried the statement much further back. Now, if the information was called for at all, it was for the avowed purpose of enlightening the House and the public of the evils growing out of such appointments. The true point of inquiry obviously was, what influence the appointment of members of Congress to office had upon their course in that body. If a member had applied for an office, and afterwards received it, the fair inference seemed to be that the hope of it had induced that member to follow the will of the Executive in a manner other than would have been dictated by his own judgment and conscience. There was something in that; but if this was the object, the resolution ought to go further. It might happen that the Executive appointed a member on the ground of his known fitness for a particular office. When this was done without any application on the part of the member appointed, the motive to subserviency would not be the same. The true point to be got at, then, was this: what members had been applicants for office? He therefore offered the following amendment to the resolution: "and also the numbers and names of the members of Congress who, since the 1st of February, 1824, had been applicants, either by themselves or their friends, for office, or who had recommended others."

On this amendment Mr. CLAY demanded the yeas and nays, and they were ordered by the House.

Mr. WICKLIFFE said that it would have given him great pleasure if the gentleman had moved this call in the shape of an original resolution. He should vote for it as it was, though he was apprehensive that it might swell the labors of the Executive so much as to delay the reply a little beyond the time he had hoped to receive it; but he should like to see the call extended a little further, so as to inquire who had been the applicants, which of them had been appointed, and the reason for such appointment? who had been removed from office, and the reason for such removal?

Mr. ADAMS said that he should be compelled, very reluctantly, to vote against the amendment, for the reason that it was very doubtful to him whether it would be in the power of the President to furnish the information sought. The call, he perceived, went back to the 1st of February, 1824, at which time the Executive of the United States was a person (Mr. Monroe) unfortunately now no more. Another person had been President since his term expired, so that the present Executive would not have it in his power to give a list of all the applications made, not only during his own, but throughout part of two preceding administrations. It was not consistent with the dignity of the House, nor with the rules of propriety, to send to the President of the United States a resolution which the House must know it would not be in his power to comply with. It might not be in his power to state what members had made application for office, even since the time of his own appointment. Application was often made verbally, and under circumstances which make it impossible that they should all be retained in his memory. Some applications were addressed to him in writing, and some of them were signed with the name of the applicant; but this was not always the case. Applications were made by members more frequently for their friends than for themselves. Mr. A. believed, sincerely, that it would be impossible for the President to comply with the call, even in reference to his own period of office. He knew it would with respect to that of his immediate predecessor; nor did he believe he could give the information in respect to the last year of Mr. Monroe's administration, which was included within the period stated in the amendment.

He should, therefore, be under the necessity of voting against it in that view. But he had another reason. It was a species of exposure of the individuals concerned. It seemed to imply that there was something wrong in members of Congress applying for offices under Government; and it seemed to hold such members up to the view of the community as guilty of some offence, if they had applied either on their own behalf, or that of their friends. There was something (he did not say in the intention of the mover, but in the measure itself) of an invidious kind. In the resolution of the gentleman from Kentucky there was nothing of that kind. That call related only to official acts of the President, for which he was bound to answer when called upon; but here he was required to state the names of individuals who might have at any time held a conversation with him on the subject of appointments, either directly or otherwise, either for themselves or their friends, and with the best intentions; and all such persons were held out to the view of the nation as so many parasites, seeking, by flattery, to obtain Executive favor. Such a call was unworthy of that House.

Mr. BRANCH said that he should vote for the amendment. No adequate remedy could ever be applied to the evil complained of, unless the inquiry should go to this extent. It was proposed to amend the constitution so as to prevent the influence of Executive action on the debates and decisions of that body. To effect this end, they must first ascertain the actual extent of the evil.

Mr. B. said it was far from being his opinion that every application for office by members of either House was, in itself, an evil, or implied any thing like crime; far from it. On the contrary, he was persuaded that many such applications sprang from the most patriotic motives, and the most honorable feelings; but he was as fully persuaded that many others were productive of subserviency to the Executive will, such as was utterly subversive of the freedom of debate. He thought it due to the people of the Union that they should know the number of members of Congress who had applied to the Executive for favors, and had received them; for he was convinced that no member of that House could do his duty as he ought to do it, so long as the desire of office tempted him into subserviency to the Executive will. He should vote for the amendment.

Mr. KENNON said that the gentleman from Massachusetts [Mr. ADAMS] seemed to think that there was something invidious in the amendment, though not in the original resolution. On the point whether the constitution ought to be amended or not, Mr. K. had said nothing; but it was perfectly evident that the resolution had a direct reference to that subject. All seemed to agree that the evil to be remedied was the effect upon the Representative of the desire of office; and the true point of inquiry was whether the members of that House did feel and act under such influence. If they did, the public should know it. Now, if it should turn out to be a fact that almost every member of that House had applied to the Executive for office, and this fact came to the view of the public, then the public would see the necessity of having the constitution amended in this respect. As to the question whether it would or would not be in the power of the Executive to comply with the call, the gentleman from Massachusetts was much better acquainted with the facts on that subject than he could be: but this formed no objection to the amendment, because, if it was not in the power of the President to furnish the information, all that the President had to do was to say so.

Mr. FOSTER observed that the debate of this morning had fully confirmed him in the opinion he had early expressed, that this resolution was calculated to do no good, especially as one-half of the gentlemen who had advocated the call had declared, in advance, that they should oppose the amendment of the constitution, to which alone the call had reference. If he could think that the judgment of one member on that floor would really be controlled by the reply to that call, he would not oppose it. But it was not so; and, as he was anxious to have the constitution amended, and saw that, in pressing this resolution, the House was about to blend a mere party warfare with the great principles of the constitution, he could not yield it his support. If they pushed their inquiries so far as to ask who had applied for office, they ought to go the whole length, and find out who had wanted office. He had no doubt many members had wanted office, and did not get it, who were much better fit for it than those who did. He concluded by renewing his motion to lay the resolution on the table. But before any question was taken, the hour allotted to resolutions expired.

The remainder of the day was spent in considering private bills, and then

Adjourned to Wednesday next.

Wednesday, December 26.

MEMBERS OF CONGRESS.

The following resolution, offered by Mr. Wickliffe, coming up again for consideration—

Resolved, That the President of the United States be requested to cause to be laid before the House a list of all appointments made by the Executive since the 13th of April, 1826, from the members of Congress during their term of service, and for twelve months thereafter; stating the names of the persons appointed; the State or Territory by them represented; the time when they were appointed; the nature of the appointment conferred; and the amount of salary, or their emoluments received by virtue of such appointment:

Together with the following amendment thereto proposed by Mr. Kennon:

"And, also, the numbers and names of the members of Congress who, since the first of February, 1824, had been applicants, either by themselves or their friends, for office, or who had recommended others."

And the question recurring on the motion of Mr. Foster, to lay the resolution and amendments on the table, it was decided by yeas and nays: Yeas, 54; nays, 116.

YEAS.—Messrs. Adair, Anderson, Archer, John S. Barbour, James Bates, Beardsley, James Blair, Boon, Bouck, John Brodhead, John C. Brodhead, Burd, Carr, Chandler, Chinn, Claiborne, Silas Condit, Connor, Craig, Davenport, Dayan, Doubleday, Edward Everett, Fitzgerald, Ford, Foster, Gaither, Gilmore, Gordon, Harper, Hoffman, Holland, Hubbard, Jewett, R. M. Johnson, Kavanagh, Henry King, Lecompte, Mann, McCarty, McCoy, Mitchell, Pearce, Plummer, Polk, Roane, Sewall, Sheppard, Speight, Stephens, Philemon Thomas, Ward, Weeks, Wilde—54.

NAYS.—Messrs. Adams, Alexander, Chilton Allan, Robert Allen, Heman Allen, Allison, Angel, Appleton, Armstrong, Arnold, Babcock, Banks, Noyes Barber, Barringer, Barstow, Isaac C. Bates, Bell, Bethune, John Blair, Branch, Briggs, Bucher, Bullard, Cahoon, Cambreleng, Carson, Choate, Clay, Clayton, Collier, Lewis Condict, Eleutheros Cooke, Bates Cooke, Cooper, Corwin, Coulter, Crane, Crawford, Creighton, Daniel, John Davis, Warren R. Davis, Dearborn, Denny, Dickson, Drayton, Draper, Ellsworth, Horace Everett, Felder, Findlay, Grennell, Griffin, Thomas H. Hall, Heister, Hodges, Hogan, Hughes, Huntington, Ihrie, Isacks, Jarvis, Cave Johnson, Kendall, Kennon, Lamar, Leavitt, Letcher, Lewis, Lyon, Mardis, Marshall, Maxwell, Robert McCoy, McDuffie, McKay, McKennan, Milligan, Muhlenberg, Nelson, Newnan, Newton, Pendleton, Pierson, Pitcher, Potts, John Reed, Edward C. Reed, Rencher, Root, Russell, Augustine H. Shepperd, Slade, Smith, Soule, Southard, Stanbery, Standifer, Storrs, Taylor, Francis Thomas, John Thomson, Tompkins, Vance, Verplanck, Vinton, Wardwell, Watmough, Wilkin, Wheeler, Elisha Whittlesey, Frederick Whittlesey, Edward D. White, Wickliffe, Williams, Young—116.

The question being on Mr. Kennon's amendment,

Mr. L. CONDICT moved to amend the amendment, by inserting a clause extending the call so as to embrace a statement of the particular offices sought, the time of their application, and any letters in the possession of the President relating thereto.

Mr. ISACKS said that he would, in a few words, explain his reasons for voting against both amendments. He thought gentlemen were carrying this matter too far, and were making light of what might possibly prove to be a very useful call. To request the President to ransack his private papers to see who had made applications for office, or who had recommended others, when very probably some of the letters had been mislaid or lost, was entering on a concern which Mr. I. thought the House might as well let alone. Besides, the call, if agreed to, would not reach the object. If the object of gentlemen was to ascertain the names of all who had made applications for office, both principals and endorsers, they would find that they were unable to accomplish it. Gentlemen could not but know that many of those applications were not made in writing, but in verbal conversation. Some members might have thought themselves on terms sufficiently intimate to go to the President in person, and to say to him that such or such an office would be acceptable; not, perhaps, for themselves, but for some other person. Mr. I. had no doubt—indeed, he knew that such applications were often made verbally. Could all these conversations be recollected? Gentlemen could not expect it. He could remember but very few of them, either of the names of the persons applying, or those in whose favor the applications were made. The call would, therefore, not go half way towards effecting the object it sought to accomplish. He was opposed to it entirely; not, however, because he had the least fear his name could be found in any of the pigeon-holes of the Executive Department as an application for office, either in his own behalf, or that of any other member of Congress. But he thought the whole inquiry one which the House of Representatives should not seriously present to the President of the United States.

Mr. BARRINGER observed that he had, for years past, looked with anxiety to see some supplemental article appended to the constitution, such as that which had been proposed by the gentleman from Kentucky; and he was ready to join in any measure that might tend to show the propriety of such an amendment. And as the call contained in the original resolution had this tendency, he was disposed to sustain it. But he was indisposed to do, in this matter, what he considered as unnecessary towards a right understanding of what the House was called to do. He entirely concurred in the sentiments just expressed by the gentleman from Tennessee, [Mr. Isacks.] The object of the amendment to the resolution was foreign to the proposed amendment of the constitution. Mr. B. had no desire to expose any gentleman in the House. Not that he had personally any thing to apprehend; for he had neither applied for office himself, nor had he asked in behalf of any member of Congress. But he entreated gentleman to state what useful end could possibly be effected by the adoption of such a call. Was any member of Congress, who might have applied for an appointment under the Government, either for himself or his friends, to be held up as derelict and base? Was it to cast odium upon the names of gentlemen? Was it not as lawful, as right, as legitimate, (if he might use that word,) for members of Congress to apply for office as it was for any other person? Did the constitution forbid it? So long as that instrument retained its present form, this could not be any crime. He concluded by expressing his hope that the House would adopt neither of the amendments.

The question being then taken, Mr. Condict's amendment was negatived without a count.

Mr. Kennon's amendment was also negatived by yeas and nays, as follows:

YEAS,—Messrs. Robert Allen, Angel, Armstrong, Arnold, Ashley, Banks, Barber, Bell, Bethune, James Blair, John Blair, Boon, Branch, Briggs, J. Brodhead, Bucher, Bullard, Cambreleng, Clay, Corwin, Craig, John Davis, Dayan, Denny, Doubleday, Findlay, Fitzgerald, Foster, Gaither, Griffin, Thomas H. Hall, William Hall, Harper, Hoffman, Hogan, Hubbard, Jarvis, Jewett, Kavanagh, Kennon, A. King, Leavitt, Lecompte, Letcher, Lyon, Mann, Mardis, Marshall, W. McCoy, McKay, McKennan, Pierson, Pitcher, Polk, Edward O. Reed, Root, Russell, Augustine H. Shepperd, Smith, Soule, Speight, Standifer, Stephens, John Thomson, Vinton, Ward, Wardwell, Watmough, Weeks, Wickliffe, Williams, Young—72.

NAYS.—Messrs. Adams, Adair, Alexander, Chilton Allan, Heman Allen, Allison, Anderson, Appleton, Archer, Babcock, Barbour, Barnwell, Barringer, Barstow, Isaac C. Bates, James Bates, Beardsley, Bouck, Bouldin, J. C. Brodhead, Burd, Cahoon, Carr, Carson, Chandler, Chinn, Choate, Claiborne, Clayton, Coke, Collier, Condict, Condit, Connor, Eleutheros Cooke, Bates Cooke, Cooper, Coulter, Crane, Crawford, Creighton, Daniel, Davenport, Dearborn, Dickson, Drayton, Draper, Ellsworth, Joshua Evans, E. Everett, H. Everett, Felder, Gordon, Grennell, Heister, Hodges, Holland, Hughes, Huntington, Ihrie, Ingersoll, Isacks, Richard M. Johnson, Cave Johnson, Kendall, H. King, Lamar, Lewis, Mason, Maxwell, McCarty, R. McCoy, McDuffie, McIntire, Milligan, Mitchell, Muhlenberg, Nelson, Newnan, Newton, Pearce, Pendleton, Plummer, Potts, Rencher, Roane, William B. Shepard, Slade, Stanbery, Stewart, Storrs, Taylor, Francis Thomas, P. Thomas, W. Thompson, Tompkins, Vance, Verplanck, Washington, Wilkin, Wheeler, Elisha Whittlesey, Frederick Whittlesey, White, Wilde—105.

The question was then put that the House do agree to the resolution as moved by Mr. Wickliffe, and decided as follows:

YEAS.--Messrs. Adams, Alexander, Chilton Allan, R. Allen, Heman Allen, Allison, Appleton, Archer, Armstrong, Arnold, Ashley, Babcock, Banks, Barber, Barnwell, Barringer, Barstow, Isaac C. Bates, Branch, Briggs, Bucher, Cahoon, Choate, Claiborne, Clayton, Coke, Collier, Condict, Eleutheros Cooke, Bates Cooke, Cooper, Corwin, Crane, Creighton, Daniel, John Davis, Dearborn, Denny, Dickson, Drayton, Draper, Ellsworth, Joshua Evans, Horace Everett, Felder Grennell, Griffin, Thomas H. Hall, Heister, Hodges, Hughes, Huntington, Ihrie, Ingersoll, Isacks, Jarvis, Richard M. Johnson, Cave Johnson, Kendall, Letcher, Lyon, Mardis, Mason, Marshall, Maxwell, Robert McCoy, McDuffie, McIntire, McKay, McKennan, Milligan, Nelson, Newnan, Newton, Pearce, Pendleton, Pitcher, Potts, John Reed, Rencher, Root, Russell, Augustine H. Shepperd, Slade, Stanbery, Stewart, Storrs, Taylor, Francis Thomas, Tompkins, Vance, Vinton, Ward, Washington, Watmough, Wilkin, Wheeler, Elisha Whittlesey, Frederick Whittlesey, Edward D. White, Wickliffe, Williams, Young--102.

NAYS.--Messrs. Adair, Anderson, Angel, John S. Barbour, James Bates, Beardsley, Bell, Bethune, James Blair, John Blair, Boon, Bouck, John Brodhead, John C. Brodhead, Burd, Cambreleng, Carr, Carson, Chandler, Chinn, Clay, Condit, Connor, Coulter, Craig, Crawford, Davenport, Dayan, Doubleday, Duncan, Edward Everett, Findlay, Fitzgerald, Ford, Foster, Gaither, Gilmore, Gordon, William Hall, Harper, Hoffman, Hogan, Holland, Hubbard, Jewett, Kavanagh, Lamar, Lansing, Leavitt, Lecompte, Lewis, Mann, McCarty, Mitchell, Pierson, Plummer, Polk, Edward C. Reed, Roane, Sewall, William B. Shepard, Smith, Soule, Speight, Standifer, Stephens, Philemon Thomas, Wiley Thompson, John Thomson, Verplanck, Wardwell, Weeks, Wilde--74.

So the resolution was agreed to.

DEAF AND DUMB ASYLUMS.

The bill granting a township of land to the New England asylum for the blind, and to the New York asylum for the deaf and dumb, as reported with sundry amendments from the Committee of the Whole, came up in course.

Mr. VINTON moved to add a proviso restricting the State receiving, in which the land lay, from taxing it at a higher rate than other lands of the State; which was agreed to.

The question then being on ordering the bill to a third reading,

Mr. ROOT, of New York, said, that he had strong objections to the bill; and he wished to know whether there was a majority of the members, and if there was, who they were, that were willing to grant away a portion of the public lands for purposes the control of which pertained exclusively to the State Governments, and to distribute the public domain among the different States in equal quantities, whether those States were great or small. The public lands belonged to all the States, and to each in the proportion in which that State was bound to pay a direct tax. Those lands were holden by cession from the States, by purchase from other Governments, or by conquest. Omitting the large purchases of Florida and Louisiana, the greater part of the residue had been acquired by conquest. They were denominated crown lands, but remained within the jurisdiction of some of the colonies. It had been agreed, at the revolution, that they should be holden as a general fund, and owned by the several States in proportion as direct taxes were imposed by the old Congress. At first, and early in the revolution, these taxes had been laid according to a valuation of the lands; but, subsequently, and by the old Congress, this had been changed for the ratio at present established. This had been, in fact, a compact of the other States with the States ceding their vacant lands for the general good; which contract it was now proposed by the bill to violate, openly, by distributing the land for other objects, and in equal quantities to each State.

The provisions of this bill, in his judgment, put at defiance that clause of the constitution in relation to the public lands, which, though it authorizes Congress to make all needful rules and regulations respecting them, yet provides that nothing therein shall be construed to prejudice the claims of the United States or of any particular State to them: that is, the claim of the United States to them as a general fund, for the benefit of all; and of each particular State, in its just proportion, according to its federal numbers.

The propriety of passing the provisions of the bill as originally reported, and of the amendments made in committee, is urged from the circumstances that some years ago, in an improvident moment, an appropriation of a portion of the public domain was made to aid an institution at Hartford, in Connecticut, for the instruction of the deaf and dumb. Thus, this act of misguided charity is seized upon as a precedent, and is made use of as an entering wedge, to open the way, not only for an unequal distribution of a general fund, but indirectly to stretch the power of the General Government over the States, to the regulation of their internal policy and public instruction, under the guise of extending its charities, to usurp the powers which belong to the States, and to them alone. He was for distributing the avails of the public lands among the several States in their just proportions, and leaving it to them to make their application either for the instruction of the deaf and dumb, the blind, or otherwise unfortunate, or in such other manner as they may think proper. He repeated his call for the yeas and nays.

Mr. MASON, of Virginia, said that he concurred heartily in the opinion just expressed by the honorable gentleman from New York, [Mr. Root;] and as he should be constrained to vote against the engrossment of the bill, he deemed it his duty to state the reasons on which his vote would be founded.

The bill, though unpretending in its title, contained three principles of great importance, to neither of which he could yield his assent. 1st. It assumed that it was competent for Congress, out of the common fund of the public lands, to endow particular charitable institutions within the States. 2d. That the public domain might be distributed among all the States as integral members of the Union, in equal portions, without regard to their respective population. 3d. That it was within the power of Congress to prescribe to the States the uses they shall make of the land thus given to them by the General Government. And he called the attention of the House to the subject, in order that he and the public might know what the powers were which Congress, in this bill, undertook to exercise, and which, it might reasonably be expected, would govern its future measures in regard to the public lands.

1. The bill maintained, or took it for granted, that it was competent for Congress to endow charitable institutions within the State: a power which he was very confident the framers of the constitution never dreamed of conferring; and which, in practice, must involve the most inconvenient, if not dangerous and disgraceful consequences. There was not a literary institution in this wide country that did not stand in need of pecuniary aid; and many as much as those for whose benefit this bill was intended. Mr. M. said he felt every degree of regard and sympathy for the unfortunate beings whom it was designed to benefit: but there was not a literary institution in the country which might not present as high claims as these institutions did; other public charities, the lunatic asylums, the almshouses, the orphan asylums, and those numberless enterprises of benevolence which abound in our country, might present as strong a demand on the patronage and liberality of the General Government, and might with equal reason petition Congress for a donation out of the public funds of the nation. If the principle of this bill was to be sanctioned, there would be none which Congress might not, if it pleased, endow. Every institution for literary or philosophical purposes might come and ask for a share of the public domain. Congress might endow a college, or erect an observatory, in every quarter of the country. He trusted the House would not give its deliberate sanction to a principle like this. He asked, by what reading of the constitution was this power derived? in what part of that instrument was it to be found? He was aware that there were some who contended that Congress could make disposition of the public lands, to which the revenue in the treasury could not be subjected; and, on that principle, this bill seemed to be founded. In this opinion he could not concur: neither could he concede the authority claimed for the precedents established by the Government in former legislation. There had, indeed, occurred two or three instances of similar grants, adopted with but little deliberation; and two or three only: for he denied that the provision in the compacts with the new States on their admission into the Union, by which the sixteenth section in each township was set apart for the use of common schools, were at all a parallel case. In that case, the States receiving the benefit had given to the United States more than an equivalent. Because the public lands were exempt from State taxation for a number of years after their sale: and, for himself, he considered the States as having given up more than they gained by that arrangement. Besides, a grant of this kind admitted of defence on the ground that the Government, as a great landholder, might appropriate a portion of its property in such a manner as to promote the sale of the residue, and, by affording facilities of education, encourage the settlement of the country; but these reservations were far from justifying the claim to power set up in this bill. The principle it contained was without possible limit. There was not a county or a neighborhood in the whole country to which a donation for the purposes of education would not be acceptable.

2. But the bill contained another principle, if possible still more obnoxious: it asserted that it was fair and equitable to divide the public lands in equal portions among the States, without regard to their respective population—a rule of distribution wholly unjustifiable, whether you consider the lands as purchased by money out of the common treasury, or as originally ceded by the States claiming the waste and unappropriated territory within their respective limits, after the revolution. As had already been observed by the gentleman from New York, [Mr. Root,] it was inconsistent with the conditions expressed in the various cession acts which conveyed these lands to the United States. Whoever examined those instruments would perceive that such a distribution of the common property of the Union was utterly repugnant to the views and purposes of the parties ceding. What was the express condition on which the fund was created? That it should be a common fund belonging to the whole Union, and should be administered on the same principle as all the other resources of the country, principally for the payment of the public debt; but, if otherwise applied, for the common defence and general welfare, subject to the limitations of the constitution. If the lands now held by the Government, or the proceeds of the annual sales, are to be distributed, there was no justice in departing from the principle that the federal numbers of the population of the several States should govern the distribution of their funds. Did this bill observe that rule? It did not. According to the bill, the State of Rhode Island was to have as large a share of the public domain as New York. Such a distribution utterly subverted the principle on which the cessions of that domain had been made. If, then, the conditions imposed by the ceding States are to be respected, the rule prescribed in the bill cannot be adopted. Nor, said Mr. M., can it be considered just, if you regard the lands as purchased by the revenues of the Government, derived to the treasury by your duties on foreign commerce. That system of revenue was believed to be grossly unequal in its operations; and the mode of distribution proposed certainly did not remove the inequality. But it was a mistake to suppose that the revenue derived through the custom-houses had been aided by the sales of the public lands in paying the public debt.

Mr. M. said that a very interesting document had been furnished to the House at the last session from the Treasury Department, which he was sorry to observe had not attracted that share of notice which its importance deserved; it was an account of the public lands with the United States, stated by way of debit and credit; from which it would appear that the public domain, so far from having accomplished its original object, the payment of the public debt, as a fund, was debtor to the treasury to the amount of eleven millions of dollars. Mr. M. professed himself at a loss to conceive how gentlemen, who held that the proposition to divide the surplus revenue in the treasury among the States was unconstitutional, could support this bill, or any other which in any mode diverted the sales of the public lands from the treasury, and made a distribution of that portion of the revenues. He could not conceive how such a distinction could be taken. For himself, he could not doubt that, if in any form a distribution of the public lands was had, the necessary and inevitable consequence must be, that the surplus in the treasury, derived from the custom-houses, after meeting the annual appropriations, would, in like manner, be distributed—a consequence deeply to be deprecated. But if that obnoxious measure was, indeed, to come upon the country, would any man deem it just to take the number, merely, of the States, as the measure of distribution?

3. The bill involved another principle equally objectionable, viz: that it was competent to Congress to prescribe to the States the uses to which they were to apply their own property. If it were true that the public domain did not constitute a common fund, and that its avails were of the same character as the other revenues of

the country, and to be distributed in the same manner, he should like to know where Congress got the power to do what was now proposed? If the purpose for which these lands had originally been ceded had been accomplished, and the original motives for retaining the public lands no longer existed, and therefore a distribution was to be made of them, where was it that Congress obtained the power of dictating to the States how they were to employ their respective portions? Congress here undertook to say to the States that they should not have a certain portion of the public lands, unless they should apply it to the support of institutions for the deaf and dumb. This was inconsistent with the arrangement according to which the fund was acquired, and ought to be distributed. Mr. M. never could yield his consent to so monstrous a principle. Observe its consequences. In this mode Congress might, by indirection, exercise powers exclusively belonging to the State Legislatures, and which none would claim for this Government; indeed, it might wholly deprive any State of its share of the public property, unless that State would consent to become the agent of its designs. Suppose that Congress should prescribe that the lands distributed should be used for purposes of colonizing some portion of the population within the States; and suppose that the State of Georgia or Virginia should object to such an application of her portion, and refuse to make the necessary laws; she could receive no portion of the public domain, while the States more yielding, and whose policy or interests such measures would promote, would receive theirs. It is therefore idle, if not absurd, to undertake to divide the lands among the States by a law which makes them but your agents in executing plans which you devise, and applying this portion to purposes which you prescribe. He trusted the House would not establish a principle like this. If the public lands belonged to the States, let the States hold them free from all restriction by Congress. If they possessed, let them enjoy; and let not their rights be trammelled with conditions imposed without their suggestion, but which might be against their wishes. If the public lands were to be given away, let them be given freely; if they were to be distributed, let them be distributed justly. If Congress must assume the patronage of literature, and the endowment of charitable establishments within the States, let them do it by a general system. And let not every neighborhood be invited to send in its memorial for a portion of the public funds, to be appropriated to purposes not confided to the General Government, and for which it is wholly incompetent wisely to legislate.

Mr. M. said he had felt some diffidence in occupying so much of the time of the House in considering this bill, which, nominally, was of a very limited extent; but, with the amendments adopted, had, in his judgment, assumed a character of momentous importance. Some, perhaps, might think it but a small affair. Others might suppose him to be opposed to education through the country, or insensible to the claims of the destitute and unfortunate. No man was more anxious than he was to see the blessings of education dispensed, by proper means, to every class and condition in our country. He believed it to be the great parent of public virtue, and the surest support of our free institutions. He sympathized most deeply with those unfortunate human beings for whose improvement the institutions, aided by this bill, are designed. Yet he could not, as a Representative of the people, charged with high duties, and limited powers, and sworn to support and to execute the constitution, conscientiously support a measure, even for these benevolent purposes, which, in his judgment, was inconsistent with those powers, and unauthorized by the constitution. Such he conceived to be the objections to the bill under consideration; and he should, therefore, vote at once for its rejection.

Mr. VANCE offered the following amendment, which was agreed to:

"That no location shall be made on lands ceded to the United States by any of the Indian tribes, in which they have reserved a remainder."

The question being then put on ordering the bill to its third reading, and it was decided by yeas and nays as follows:

YEAS.—Messrs. Adams, Chilton Allen, Heman Allen, Allison, Anderson, Appleton, Arnold, Ashley, Babcock, Banks, Barstow, Isaac C. Bates, Briggs, Bucher, Cahoon, Cambreleng, Collier, Condict, Condit, Eleutheros Cooke, Bates Cook, Cooper, Corwin, Crane, Crawford, Creighton, Jun., Daniel, Dearborn, Denny, Dickson, Ellsworth, Evans, Edward Everett, Horace Everett, Findlay, Fitzgerald, Hodges, Hughes, Huntington, Kavanagh, Kendall, Kennon, Letcher, Lyon, Marshall, McKennan, Milligan, Nelson, Pearce, Potts, jr., John Reed, Russell, Shepard, Slade, Southard, Stanbery, Stewart, Storrs, Thompson, Tompkins, Vance, Vinton, Ward, Washington, Watmough, Weeks, Wilkin, E. Whittlesey, Williams, Young--70.

NAYS.--Alexander, Angel, Archer, Armstrong, John S. Barbour, Barnwell, Barringer, James Bates, Beardsley, Bell, Bethune, James Blair, John Blair, Bouck, Branch, J. Brodhead, Bullard, Carr, Carson, Chandler, Chinn, Choate, Claiborne, Clay, Clayton, Coke, jr., Connor, Coulter, Davenport, Warren R. Davis, Dayan, Doubleday, Drayton, Draper, Duncan, Felder, Ford, Foster, Gaither, Gilmore, Gordon, Grennell, Griffin, Thomas H. Hall, William Hall, Heister, Hoffman, Hogan, Holland, Hubbard, Ihrie, Isacks, Jarvis, Jewett, Richard M. Johnson, Cave Johnson, John King, Henry King, Lamar, Leavitt, Lecompte, Lewis, Mann, Mardis, Mason, Maxwell, McCarty, William McCoy, Robert McCoy, McDuffie, McIntire, McKay, Mitchell, Muhlenberg, Newman, Pendleton, Pierson, Pitcher, Plummer, Polk, Edward C. Read, Rencher, Roane, Root, Sewall, Augustine H. Shepperd, Speight, Standifer, Stephens, Taylor, Francis Thomas, Philemon Thomas, Wiley Thomson, Verplanck, Wardwell, Wheeler, F. Whittlesey, Edward D. White, Wilde—99.

So the bill was rejected.

Mr. ROOT, however, immediately moved a reconsideration, with a view to propose an amendment distributing the avails of the public lands among the several States of the Union, for a definite time, according to their proportions of a direct tax. He moved a postponement of the question till to-morrow, which the House refused; but immediately adjourned.

Thursday, December 27.

SOUTH CAROLINA CONVENTION.

The following resolution, heretofore moved by Mr. Adams, came up for consideration:

Resolved, That the President of the United States be requested to communicate to this House a copy of his proclamation, dated on the 10th instant, and of the ordinance of a convention held in the State of South Carolina, to which it refers.

Mr. CLAY, of Alabama, moved the question of consideration, viz: whether the House will, at this time, consider the resolution? and demanded the yeas and nays upon it.

Mr. ARCHER observed, that the gentleman from Alabama need not press his motion, as the gentleman from Massachusetts [Mr. Adams] was not desirous of pressing the consideration of his resolution for a day or two.

Mr. ADAMS asked of the Chair whether the question of consideration admitted of debate?

The SPEAKER replied in the negative.

Mr. A. Then I am to understand that it will not be in order for me to state the reasons which induced me to offer the resolution.

The **SPEAKER:** It will not.

The question on consideration was then taken, and decided by yeas and nays, as follows:

YEAS.—Messrs. Adams, Heman Allen, Allison, Appleton, Arnold, Babcock, Banks, Noyes Barber, Barnwell, Barstow, Isaac C. Bates, Briggs, Burges, Cahoon, Choate, Condit, Eleutheros Cooke, Bates Cook, Cooper, Corwin, Crane, Creighton, Daniel, John Davis, Warren R. Davis, Dearborn, Denny, Dickson, Ellsworth, George Evans, Horace Everett, Felder, Gordon, Grennell, Griffin, Heister, Hodges, Hughes, Huntington, Ihrie, Kendall, Kennon, McDuffie, McKennan, Nelson, Newton, Pearce, Pendleton, Pitcher, Potts, Rencher, Slade, Southard, Stanbery, Stewart, Storrs, Taylor, Vance, Vinton, Watmough, Wilkin, Elisha Whittlesey, Frederick Whittlesey, Wickliffe, Williams--65.

NAYS.--Messrs. Alexander, Chilton Allan, Robert Allen, Anderson, Angel, Armstrong, Ashley, John S. Barbour, Barringer, Beardsley, Bell, Bethune, John Blair, Boon, Bouck, Branch, Bucher, Bullard, Cambreleng, Carr, Carson, Chandler, Chinn, Claiborne, Clay, Coke, Collier, Connor, Coulter, Craig, Crawford, Davenport, Dayan, Dewart, Doubleday, Drayton, Draper, Duncan, Edward Everett, Findlay, Ford, Foster, Gilmore, Thomas H. Hall, William Hall, Harper, Hoffman, Hogan, Holland, Hubbard, Ingersoll, Isacks, Jarvis, Jewett, Richard M. Johnson, Cave Johnson, Kavanagh, Adam King, H. King, Lamar, Lansing, Lecompte, Lent, Letcher, Lewis, Lyon, Mann, Mardis, Marshall, Maxwell, McCarty, McCoy, McIntire, McKay, Milligan, Mitchell, Muhlenberg, Newnan, Pierson, Plummer, Polk, John Reed, Root, Russell, Semmes, Sewall, Augustine H. Shepperd, Smith, Soule, Speight, Standifer, Stephens, Francis Thomas, Philemon Thomas, Wiley Thomson, John Thomson, Tompkins, Verplanck, Ward, Wardwell, Washington, Weeks, Wheeler, Edward D. White, Wilde, Young—106.

So the House refused, at this time, to consider the resolution.

GENERAL MACOMB.

The bill for the relief of General Macomb came up for its third reading.

[This bill proposes, only, in so many words, to release General Macomb from all responsibility as the security of Samuel Champlain, in a bond given by him, as paymaster in the army, bearing date 8th May, 1811; but the report accompanying the bill has reference to certain brevet pay due to General Macomb, as constituting an offset in his favor as the surety of Champlain.]

Mr. **SEMMES** observing that the bill contained a very important principle, desired to hear something more in explanation of its provisions, before he was prepared to vote upon it.

Mr. **BLAIR**, of South Carolina, agreed with Mr. Semmes, and considered the bill as one which went to establish a principle that would, by releasing securities, if carried out, destroy the security of the Government for moneys due to the Government by principals.

Mr. **SEMMES** moved to commit the bill to the Committee on Claims.

Mr. **SPEIGHT** called for the reading of the report accompanying the bill.

Mr. **JOHNSON**, of Kentucky, thought that, when the facts were understood, none could object to the bill. Dozens of similar cases had been provided for by special legislation. General Macomb had been security for an officer who had become a defaulter to the Government; the Government had suffered the case to remain many years without prosecuting, and, in the mean while, had promoted the officer. General Macomb had been ordered to a distance in his country's service, and had no opportunity of urging the officers of Government to do their duty in the case, and he ought not to suffer for the negligence of the Government.

Mr. **SEMMES** thought the statement given was sufficient proof that the bill ought never to have gone to the Military Committee. It was not a military subject, but more properly pertained to the Committee on Claims or that on the Judiciary.

Mr. **WARD** insisted that this objection should have been pressed when the memorial was first referred; and remonstrated against the recommitment of a bill reported by one standing committee of the House to another committee.

Mr. **DRAYTON**, though opposed to the commitment of the bill to the Committee on Claims, was wholly dissatisfied with the reasoning in the report; and went into an argument, at considerable extent, to show that the claim for pay, according to brevet rank, could not be sustained, and that the claim, on the ground of the general's being the chief of the engineer corps, was equally unfounded. As to the delay on the part of the Government, that had nothing to do in the matter, unless it had rendered the principal less able to meet the demands of Government, which was not shown or pretended. He regretted to be obliged to oppose the claim, for he highly respected the claimant, but he could not in candor give it his support.

Mr. **PLUMMER** observed that the Military Committee had not allowed the claim on the ground of brevet rank; all that part of the claim had been rejected. He renewed the motion (which had been withdrawn by Mr. Semmes) to commit the bill to the Committee on Claims.

Mr. **WICKLIFFE** thought the question on which the claim rested was wholly of a judicial nature, and that the bill ought to go to the Judiciary Committee: he did not, however, make the motion.

Mr. **VANCE**, perceiving that there had been some misunderstanding on the part of the gentleman [Mr. Ward] who had drawn up the report, as to the views of the Military Committee, intended to have been embodied in it, moved to postpone the consideration of the bill for one week; which was agreed to. So the bill will come up on Thursday next.

ASSAY OFFICES IN THE GOLD REGION.

The House then went again into the Committee of the Whole, Mr. Clay, of Alabama, in the Chair, on the bill to establish assay offices in the gold region.

Mr. **FOSTER** said that, having endeavored to profit from the various grounds of opposition, and the different amendments proposed when this bill was last in committee, he had prepared an amendment, by way of substitute; which he sent to the Clerk's table, and which was read, as follows:

"*Be it enacted*, &c., That the President of the United States be, and he is hereby, authorized to establish an assay office in or near the gold district of Georgia, another in or near that of South Carolina, and another in that of North Carolina, as branches of the assay office of the mint of the United States; and to appoint in each an assayer of the office, for the purpose of assaying such native gold or silver as may be offered at such offices, and for exchanging therefor the coins of the United States, or other current money, on the terms and under the regulations prescribed by the laws establishing the mint of the United States.

"Sec. 2. *And be it further enacted*, That the said assayers, previous to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Secretary of the Treasury, in the sum of 2,000 dollars, conditioned for the faithful performance of their duties, respectively. And the said assayers shall receive and give receipts for all gold or silver which may be delivered to them, and to exchange therefor the coins of the United States and other current money, on the terms and under the regulations aforesaid; which gold and silver, thus received, said assayers shall assay and transmit to the United States' mint, in such way as may be prescribed by the director of the mint, under the direction of the Secretary of the Treasury.

"Sec. 3. *And be it further enacted,* That said assayers shall each receive the sum of 1,500 dollars as a compensation for their services; said sums to be paid out of any money in the treasury not otherwise appropriated."

On this amendment the debate was renewed, which had been suspended on the rising of the committee.

[We present a condensed abstract of the views of the several speakers who participated in it, as follows:]

Mr. FOSTER briefly explained the amendment, and urged the advantages to be derived from keeping our own gold in the country; and, by exchanging it for gold coin, to bring a metallic currency into use as a substitute for the small bank bills now so much complained of. The constitutional question which had arisen on the bill, in its original shape, was obviated by the amendment.

Mr. ELLSWORTH understood the amendment as going, in effect, to declare that the United States' Government shall establish a market for all the gold dug at the South, from the bosom of the earth, and pay good coin in exchange for it. He had no evidence that the Government needed any agency of the kind proposed to effect the purchase of bullion; and if it did, the measure was incompatible with the existing law for the regulation of the mint.

Mr. CARSON said he knew that his friend from Georgia, in proposing his amendment, had been influenced by a wish to accommodate the bill, in its ultimate form, to the views of the different gentlemen who had formerly made objections to the bill. For his (Mr C.'s) own part he was in favor of the original bill: it was simple in its provisions, and, in his opinion, it provided for every thing that was necessary. [Mr. C. here read a portion of the original bill.] He believed that those provisions gave a discretion to the Secretary of the Treasury and the director of the mint, which would embrace every thing which was necessary. He believed that, as to the exchange of gold coins for bullion, that was a matter of small consequence, inasmuch as whenever they could ascertain the value of gold they could always get its value immediately. The object of the gentleman from Georgia, in introducing that part of his resolution, was to benefit the United States and the national mint. What was that mint for but to coin money and to ascertain the value of the precious metals? But, unless they got gold they could not coin gold money; and there was no part from which they at present got so much as from the mines of the South, and these mines were still increasing in their produce. If gentlemen who understood the matter better than he did thought this a matter of no importance, he should not urge it; but there were speculations going on betwixt citizens and owners of mines which rendered it necessary that something should be done. The value of gold from mines in the same region was different. He could instance a case in which he had himself a concern, namely, the Brindleton and Wall mines; they were both in one neighborhood, and yet there was a difference of three or four per cent. in the gold produced from the respective mines. He could not, nor did he believe that gentlemen there could tell the difference betwixt the metals; but when sent in to be assayed, it was discovered. It was evident, then, that, in assaying and stamping the metal, there would be a safety to the citizen; and this was his only object, that they might know the real value of the produce of a mine. To attain this, he had no doubt they would submit to the half of one half per cent. for seiniorance. He was aware that when first he proposed the measure he had been laughed at, even by some of his friends; but the committee who were appointed, had carefully considered and investigated the subject. He was indebted to the gentleman from New York for the draught of the bill; the report was not his, (Mr. C.'s;) his sole agency had been in ascertaining the amount produced by the mines, &c. He had no doubt that they were going on rapidly. He had held a consultation with the director of the mint, and the bill as reported by the committee met the approbation of that distinguished gentleman. He (Mr. C) had suggested some different views, but that gentleman had shown him and convinced him of the propriety of the views entertained by the committee. At the same, he would say, he was willing that gentlemen should suit the bill to their views, if they would only accede that officers should be appointed under the Government to stamp the gold, and ascertain its real and proper value.

Mr. SPEIGHT could see no constitutional objection to the bill, but he thought one assay office would be sufficient for the whole gold region.

Mr. BLAIR, of South Carolina, considered the constitutional objections urged against the bill as utterly futile. An assay of gold was a very different thing from the inspection of pork, flour, fish, or tobacco: gold was the material of a circulating currency; he had never heard that fish or flour were. He looked on this objection as ludicrous. If the bill conferred any boon upon the South, it was a very small one.

Mr. ROOT understood it as the intention of this amendment to obviate the constitutional objection which had been raised to the establishment of those assay offices, by making them branches of the mint. If it would produce this effect, it would be proper also to take a view of the effect it would produce as to the coining of money. Gentlemen had said that it was admitted on all sides to be constitutional to establish an assay office at Philadelphia; and they had triumphantly asked if it must not be equally constitutional to establish such an office or offices elsewhere? But those gentlemen forgot that it was the object for which the assay office was established that must render it constitutional or otherwise. Why was it constitutional to establish one at Philadelphia? For the obvious reason that it was necessary and proper to carry into execution the delegated power of Congress to coin money. Were it not essential to the exercise of this power it would not be constitutional to establish assay offices at Philadelphia, or any where else. But it was necessary to have bullion in order to coin money, and to coin money it was also necessary that the value of the metal, its degree of fineness, &c. should be settled and ascertained. For this purpose an assay office must be established somewhere; and where so proper a place as near the mint, near the milling press where the metal was to be stamped with the image or mark of its value? Gentlemen should, therefore, have inquired before they so triumphantly rode over the constitution, whether these assay offices in Carolina or Georgia would be necessary and proper to enable the Government to carry into execution the delegated power of coining money. If they were not necessary for this purpose, with what object were they to be made? Was it not to accommodate the Southern section of the Union, and to enable the States, where these mines were situated, to draw on the treasury of the United States for the value of this commodity which they obtained out of the bowels of the earth? The measure would answer no other end. But that committee should hesitate before they passed such a provision, unless they perceived that it would be beneficial and proper to the exercise of the delegated power of the Government to coin money. Let them look for a moment at the provisions of the bill. It provided that an assay office should be established, with an officer at an annual salary of 1,500 dollars, who was to give bonds to the Government for the due execution of his trust. This officer was to assay the metal produced from the mines, and exchange it for its value in coins of the United States, or other current money; and then he was to transmit it to the mint to be coined. Now, let them examine this, and see if any thing beneficial could result from this operation to the Government or to the nation. Gentlemen, when inquiring as to the benefits of this operation, did not stop to inquire the amount of gold coin in circulation, which had that year been struck at the mint. They would find that it had ceased to be valued as money, and was valued as bullion. Surely, then, if gentlemen would consider this, they would, before passing this bill, hasten to pass the bill which was before them last session, relative to the gold coin of the country.

Let them examine further into the operation of the measure now proposed. Bullion would be brought to the assayer in the South, who was to buy it. But at what price was he to buy it? By the law which the gentleman from Connecticut [Mr. Ellsworth] had read to the House, it was provided that 24¾ grains of pure gold should be but equal to one dollar. Well, did those gentlemen of the South purpose to sell their bullion at the mint for 24¾ grains for one dollar? He knew they did not; and he also knew that that was not its proper price. Under the law he had just alluded to, bullion left at the mint, to wait its turn for coinage, was to be returned in coinage of equal value; but if coined immediately, half of one per cent. was to be deducted for the coinage—call it seiniorage, or what they pleased. Now, would the gentlemen of the South be content to receive payment in silver, or in paper, at the rate he had mentioned, deducting the half of one per cent. for the coining of their bullion? No, they would not take it, because it was worth more. But they must have it stamped, not to send it to the mint, but to Europe, or to any merchant on the coast, of whom they could get its real value as bullion; so that the southern assay office, instead of being a branch of the mint, would, in fact, be an inspection office. The real value of gold in the commercial world was 23 1-5 grains for one dollar; and that was what they should have, deducting half of one per cent. for ready money being paid them for bullion. They complained now that they were not allowed the value of their gold; that they were cheated and jewed; but at the assay office, when they get one, the assayer must assay the metal for nothing; and if he declined to pay for it at its real value, they would not let him have it to send to Philadelphia. And even if it were sent, and coined there, it would be of no use to the nation. Gold has been coined for some years past merely because its proprietors wished to have it stamped with a mark declaratory of its degree of fineness; and the coin might as well have been marked with a star as with an eagle.

The mint which was established, and still maintained at so great an expense, was, as far as regarded the coining of gold, totally useless to the nation; and the transmission of gold by the southern assayer to be coined at the mint, would also be a useless expense, because when coined it would be worth more as bullion than as coin. Nobody pretended to tender gold coin as money; it did not pass amongst our merchants from one to another as money. Let Congress, then, stay its hand on the subject before it, that the gentlemen who were desirous of having the measure pass might unite with those who were anxious to pass a law for making gold coins of such a weight pass as coin; to make gold worth as much as coin as it was worth as bullion; and, perhaps, the amount of seniorage, one-half of one per cent. more. Let them do what they ought in this matter, and, then, perhaps, the Southern States might not need these assay offices. Let them pass a law making the relative value of gold and silver as 16 to 1, instead of 15 to 1, as at present; and they would then bring them to the same relative value as in England, where gold was made by act of Parliament the standard of value. If a bill was drawn on London, it was either to be paid in gold or its equivalent; here, when they purchased a bill, it was to be paid in silver or its equivalent. Hence they had to give a premium of 8½ per cent. for a bill on London, because it was to be paid in gold; and that, when the course of exchange was in favor of America, and against England. If they purchased a bill in America to be paid for in gold in England, or an equivalent, for every one hundred cents the purchasers had to pay one hundred and ten, because the Spanish silver dollar was worth but ninety cents in London. But if they would make their gold coin what it ought to be, this blot would be effaced from their price current. Let, them, then, hasten to pass a bill for this purpose, and they could afterwards decide as to the propriety of establishing these assay offices, and whether they would be of benefit to the mint and to the country.

Mr. CLAYTON, of Georgia, said he had listened with much pleasure to the remarks of the gentleman from New York, [Mr. Root,] who had just taken his seat, though it was not the first time he had heard the same speech, which seemed as well calculated for one thing as another; and he never heard it without deriving some instruction from it upon things in general. The law which he proposes (said Mr. C.) to regulate the gold coin of the country in order to prevent it from being withdrawn from circulation, will be a good law, and I promise him to give it my hearty support whenever it shall come up; but it has nothing to do with the question now before us. Can it be a good reason to forbid the establishment of an assay office in the South because the American gold coins, as at present regulated by law, are too pure? Certainly not. As well might you say the gold shall be left in the earth till the Legislature fixes the proper value of the coins it is intended to supply. In the discussion of every subject that comes before this House, two things are chiefly to be considered: First, have we the power? Second, is it expedient? With regard to the first, we seem, Mr. Chairman, to have got into a kind of country dance, where constitutional scruples are changing sides, and, after setting to each other in very different views of that instrument, we are crossing over to assume opposite positions. Now, sir, I do trust that because we of the South have heretofore been, as we ought to be, very scrupulous about the powers of this House and the sacred character of the constitution, that, therefore, we shall be denied credit for our sincerity when we do admit the powers of Congress. Because we have entertained doubts on many former questions, we shall be compelled to do so on all others that may come before us where the cry of unconstitutionality is set up. I had hoped that the clear and unanswerable exposition given by the honorable gentleman from New York, [Mr. Pendleton,] had quieted all suspicions on this subject; but if doubts are yet entertained, permit me to present a short view of what I consider to be the powers of this House, on the question under consideration. The constitution gives to Congress the right "to coin money, regulate the value thereof, and of foreign coin." Now, the first thing which has been done to effectuate this power was to establish a mint. Had Congress a right to do this? I presume no one will deny it. This proposition, therefore, needs for its support no argument. Connected with the mint is an assay office, the clear and distinct object of which is to test the fineness of the metal to be coined in order to fix and "regulate the value thereof," when it assumes the shape of money. Does any, under this use of such an institution, deny the right of Congress to establish an assay office? No one, I presume. Then, we have these two positions proved, that Congress may establish a mint, and connect therewith an office to ascertain the value of metal to be coined. Now I maintain, that if it be necessary, in the honest import of that word, Congress may establish either a mint or a branch of the mint in each State; or it may remove the mint from Philadelphia, where it is now located, to such place as it may think most conducive to the advancement of the great objects for which it was designed. There is no obligation on the part of the Government to fix or keep the mint at Philadelphia; but, sir, we do not ask to remove it—we are not so unreasonable as to wish it; besides its central position, the great expense at which the Government has been to erect it there, would incline us to let it remain where it is. We do not ask either to have another mint established in the South, nor even a branch of the mint. We simply ask, for the sake of saving expense, to erect nothing more than that simple department connected with the mint, commonly called an assay office. We want, if I may use the expression, the mint at Philadelphia elongated so as to reach to our gold region; we want it stretched over the whole country, not by edifices and apparatus, which will be a source of great expenditure, but by the operation of a law. We think the act we propose will give us virtually a mint. We want to be placed in the same situation with those whose great wealth or contiguity to the mint enables them to go day by day, and obtain a fair and full price for their gold, and consequently for their honest labor. By way of illustration, we wish the laboring man to have it in his power to carry his gold himself to the mint, and get its true value, instead of its passing into second hands, the hands of the speculator, who, by reason of his superior wealth, can wait for its proceeds and carry it there at his leisure, full well knowing his profits will pay him for his delay. Again we wish our people to be placed in the condition of those who might happen to have mines immediately in the neighborhood of the mint. If, for instance, the good people residing upon the banks of the Delaware and Schuylkill, in the vicinity of Philadelphia, should have the good fortune to discover gold mines upon their lands, every one would at once perceive of what great advantage their proximity to the mint would be to them. They could carry to that establishment, at the close of every day, the fruits of their labor, and realize immediately that which would command certainly the support, if not the higher comforts of life. Now, sir, this is just what we want for the honest and industrious people of the South, who have asked but little of you, and have often had that little refused. And we think the small request contained in that bill will accomplish that object. We do not ask for a mint, but we ask for that which will as effectually answer our purpose, and which will cost comparatively nothing. Indeed, we might, with some show of justice, contend for the whole establishment itself, because it is emphatically the gold region of the United States, and would seem to be the place befitting this institution, upon the popular though trite truism, that a thick and wealthy settlement is better for a mint than an unfrequented desert.

With regard to the expediency of the measure, the Legislature usually compares the expense of the object with the benefit to be produced; and, as all Governments are intended to advance the prosperity of its citizens, the number to be benefited enters very materially into the consideration of the question. Now, sir, recent and increasing discoveries have ascertained, beyond all doubt, that there is a gold bank, immensely valuable, stretching from Virginia through North and South Carolina, Georgia, and Alabama, including five States. It must be perceived, at one glance, what a number of people will be concerned in extracting this precious metal, in the language of the gentleman from New York, from the earth. And shall the pitiful expense of a few thousand dollars deter Congress from extending to these people so important an object? These people have paid their taxes to the Government, and have as much right to expect a portion thereof returned to them, in the distribution of its favors, as any other part of the Union.

Are you not appropriating your thousands, year after year, upon your navy, your army, upon internal improvement, and other objects not now necessary to be mentioned? What is it for? For the benefit of the people, either at large, or in those sections where these appropriations happen to have shown their peculiar blessings.

When, before, has an appropriation been refused, if it was to promote the industry of the country, or if the pretext could be found to encourage domestic labor? Now, for the first time, when nearly all concur in the power of Congress to grant the object; when whole States are to be benefited by the appropriation; when the expense is scarcely nothing, in comparison with the advantage to be attained; behold, it becomes very proper to be frugal, and to take care of the public treasury! In our constitutional scruples to the South we have been honest, if mistaken; for we have often refused benefits when offered to us, under the firm belief we had no right to them; but in this case we did believe the Government had the power to grant our request; we did believe its compliance with our wishes would effect a double purpose. The first great object would be to benefit itself, and, consequently, the whole community, not partially, but equally and universally. It was, as I verily believe, always the intention of the framers of the constitution to found the currency of the Government upon a metallic basis. It was to be a hard money currency, the only true security of property. If this be true, what can be of more importance to the whole community than to secure and keep in circulation as much of the precious metals as it is in the power of the Government to obtain? This reaches to every man, high or low. No exclusive privilege in this; no particular class is benefited more than another. If Congress is "to coin money, and regulate the value thereof," it must establish a mint: but of what consequence is a mint without metals to coin? It may be said it is open to every man who may choose to bring his bullion to be coined, and he shall receive the value thereof in hard money. That is precisely what the wisdom of this Government ought to encourage. It should afford facilities to the gold digger to bring his gold to the mint; and thereby the great purposes of that institution, and the still greater objects of the Government in furnishing a metallic currency, will certainly be promoted. We do not ask the exercise of the constitutional power, merely to benefit a certain class of individuals; for that is impossible. The moment you hold out an inducement to one single man to bring his bullion to the mint, you inevitably benefit every man in the community; for that bullion, when converted into coin, may find its way into every pocket in the nation. It has been said that the object only of this bill is to furnish a market for the gold diggers. Now, sir, suppose we grant this; what does the argument amount to? Is there a better article in this wide world to purchase than gold? Who gets it? Does not the Government buy it? And for whom, and for what purpose? To throw it away? Not so; it is to answer a great federal purpose, necessary to the effectuation of a great sovereign right, no less than that of providing a sound, useful, and lasting currency for the community, without which, neither the operations of the Government, nor the wants of its people, could find their indispensable support and relief. But, sir, is it possible we hear this measure objected to because it supplies a market—a "home market"—to this species of industry? How long has this doctrine ceased to be orthodox? Have we never heard of such a thing before? Yes, sir, we have; and in cases where the market was not for the exclusive benefit of the Government, but for the peculiar gain of a favored class. Not for carrying into effect an acknowledged power of the Government for the benefit of the whole community, without distinction, but to encourage and protect special and privileged interests. If this were to benefit the gold diggers alone, I would not ask it; but I know it is to produce a higher and wider advantage to every part and portion of the Union. It is obliged to be the case. Every dollar brought from the earth, and coined into money, from the constant circulation of that useful article, may, in the payment of debts, and the relief of wants, perform the office of thousands; and, sir, I believe that half a million of dollars will be extracted from the mines of Georgia alone, during the next year; something like 250,000 dollars was raised last, and part of that clandestinely, by intruders from other States. Georgia has distributed her gold region among her citizens in lots of forty acres, thereby multiplying the operators to such an extent as must necessarily result in a most profitable production of this useful metal. All we want is to have these honest laborers afforded those facilities which wealthy men, or those residing in the neighborhood of the mint, enjoy from that institution. We think an assay office will effectually secure those facilities. We think it will protect our citizens from the frauds and impositions of speculators, who swarm around the mining operatives, as is generally the case in all other laborious pursuits, depending upon their wits to obtain that for which they are too lazy to work. The mines are on the frontiers, and, heretofore, in consequence of the want of skill on the part of the miners, in judging of the genuineness of paper money—for, it is a well known fact, that bad money is always thrown out upon the circumference of a State—they have been greatly defrauded by receiving for the fruits of their labor counterfeit bills. Besides this, money of a most suspicious credit is put upon them; and, in a late case, by the failure of a bank, it is probable they lost something over one hundred thousand dollars. It is to guard against evils like these, and to provide the ready means of converting speedily the proceeds of their labor into what will command the necessaries of life, that we ask for an agency connected with the Government, in which we can confide, to test and stamp the value of our gold, or to give us from your mint its true value. We want you to draw Philadelphia within our neighborhood, which we say can be done for all our purposes, by a law establishing an assay office; and we sincerely believe we ask nothing unreasonable, when it is remembered how great the advantage which must necessarily accrue to the Government, as well as to a large portion of its people, who have never harrassed you with very many petitions.

Mr. HUNTINGTON thought they could dispose of the bill before the House, without referring to the constitutional question, which he thought had better be referred to the Committee on Doubtful Powers. What was Congress asked to do? They were asked to establish three assay offices, to create three officers, at a salary of 1,500 dollars. Then there was the expense of building, &c., for which he believed the gentleman had inserted in one of the clauses of the bill 15,000 dollars, together with all the other expenses which would necessarily attend the creation of these establishments. All this was to be at the expense of Government. Well, the next inquiry was, will these offices benefit the Government, or the country? Did the Government need these offices to obtain bullion? Such a necessity was asserted by no one. Well, was it necessary to enable Government to establish a gold currency? That was not claimed. For they might establish as many assay offices as there were States, and, whilst the law remained as at present, it would not keep gold in circulation as coin. They were then brought to this simple question, whether there was any thing in the state of the population, or the condition of the country, where these gold mines were situated, which made it expedient for Government to adopt the proposed measure? The gentleman from North Carolina [Mr. Carson] wished to have the gold stamped, that it might pass as bullion; this brought up the constitutional question at once. The gentleman from Georgia, however, only asked to be enabled to exchange bullion for gold. Now, he would ask if it would be expedient to go to such an expense to accomplish such an object? For what, he would again ask, were they to do it? His colleague had stated to furnish a market at the doors of those who raised the gold from the earth. The Government must have a mint, and an assay office at Philadelphia; but they were now called upon, not only to incur the expense of establishing assay offices for the convenience of certain particular places, but to send gold coins, in exchange for their bullion, at the expense and hazard of the United States. He thought the House was not prepared to do this, merely for the purpose of enabling those who lived in the neighborhood of those mines to exchange their raw material for gold coins, without the trouble or risk of transportation. He would not then go into the constitutional question; he was opposed to the amendment; he was opposed to the whole bill for the reasons he had already stated.

On motion of Mr. BURGES, the committee now rose, reported progress, and asked leave to sit again; on which question, in the House, a division was called. No quorum voting, a motion of adjournment was made, and carried.

Friday, December 28.

THE TARIFF.

Mr. VERPLANCK, from the Committee of Ways and Means, to which was referred so much of the President's message as relates to such further reduction in the revenues as may not be required for objects of general welfare and public defence, authorized by the constitution, made a report, intended to accompany the bill (reported from the Committee of Ways and Means yesterday) to reduce and otherwise to alter the duties on imports; which report was read, and committed.

Mr. CAMBRELENG moved for the printing of 5,000 extra copies of the report. This motion, by rule, lies one day on the table.

A message, in writing, was received from the President of the United States, by Mr. Donelson, his private secretary, which was read, and is as follows:

Washington, *December* 28, 1832.

To the House of Representatives:

I have taken into consideration the resolution of the House requesting me to communicate to it, so far as my opinion may be consistent with the public interest, "the correspondence between the Government of the United States and that of the republic of Buenos Ayres, which has resulted in the departure of the Chargé d'Affaires of the United States from that republic, together with the instructions given to the said Chargé d'Affaires;" and, in answer to the said request, state, for the information of the House, that, although the Chargé d'Affaires of the United States has found it necessary to return, yet the negotiation between the two countries, for the arrangement of the differences between them, are not considered as broken off, but are suspended only until the arrival of a minister, who, it is officially announced, will be sent to this country with powers to treat on the subject.

The fact, it is believed, will justify the opinion I have formed, that it will not be consistent with the public interest to communicate the correspondence and instructions requested by the House, so long as the negotiation shall be pending. ANDREW JACKSON.

Ordered, That the said message do lie on the table.

REDUCTION OF POSTAGE.

The following resolution was offered by Mr. E. EVERETT:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the inexpediency of reducing the rates of postage on letters, pamphlets, and newspapers.

In moving this resolution, Mr. EVERETT observed that the subject had, at the last session, been presented to Congress, by petition, from the portion of the country which he in part represented. He had then urged the justice of the measure recommended. Believing it still both just and peculiarly seasonable, he was induced, in this way, to bring it to the consideration of the House; and, in doing so, he would briefly explain the view which he took of it.

Few persons who had not turned their attention particularly to the Post Office were aware what a vast and expensive establishment it had become. In giving it this character, however, he by no means intended to say that its operations ought to be contracted; on the contrary, he would go as far as any one in extending the accommodation which it afforded to the people. But the view he took of the subject made it necessary to state the expense at which it is supported; and which, for the year ending July, 1832, amounted to the large sum of 2,266,100 dollars, of which 2,258,570 dollars were actually levied, in the form of postage, during the last year. The entire expense of the navy of the United States is but 3,379,000 dollars, and that of the whole civil list, foreign intercourse, and miscellaneous department of the Government is but a trifle over 3,000,000. These comparisons show that the Post Office establishment, if among the most useful, is also among the most expensive establishments of the country.

This expense is not defrayed from the treasury, as that of the other public establishments, but by a specific tax, levied on a portion of the people, viz: those who receive letters and packets by mail, charged with postage. One of the objects to which I wish to draw the attention of the committee is, the inquiry whether, as the Post Office establishment is partly for the service of the public, as well as partly for the accommodation of private individuals, the entire expense of it ought to be thrown upon the latter? And another point of inquiry is, whether the burden of supporting that part which is for private accommodation is fairly aportioned?

If the Government levied no more from the individuals served than it costs the Government to render the service to these individuals, there would, of course, be no cause of complaint. Or, if the state of the treasury required that more should be raised from the payers of postage than the establishment costs to the Government; then if the excess were equitably apportioned among all who pay it, there would be no injustice. But neither of these is true. On the present system, the Government, by penal laws, secures to itself the monopoly of the business, and then charges the expense of carrying it on to a portion only of the people, and, as I think, upon inequitable principles.

In the first place, there is frequently a considerable surplus over and above the whole expense of the establishment: thus, the year before last, there was a surplus of more than 200,000 dollars. In the present state of the treasury there surely can be no reason in raising a revenue of this kind by a Government monopoly.

In the next place, there is a very considerable number of post routes which are unproductive; that is, which cost more to keep up than they yield. The law requires a return to be made to Congress of those that yield less than a third of the cost of maintaining them; but no return is made of all the others, and those which are returned are rarely if ever discontinued. I am not for discontinuing them, unless they are useless or superfluous, as well as unproductive. I am willing to pursue the most liberal policy in multiplying them. But why are unproductive post routes established and kept up? Of course, because the public good, or the interest of the inhabitants on the route requires it, or both. But whether it be one or the other, or both, it is plain that the expense, if not borne by the inhabitants on the route, (those immediately benefited,) should be borne by the public at large, and paid out of the public treasury. It cannot be just to charge it, as we now do, to the individuals who pay postage on some other route, thus making them pay their own postage and that of their fellow-citizens.

Lastly, there is the vast quantity of letters, papers, and documents which are transported free of postage. The whole correspondence of the Government, external and internal, foreign and domestic; the voluminous documents, which we print here by thousands and tens of thousands, and the entire correspondence of seven or eight thousand postmasters; all these are transported free of expense to those who despatch and those who receive them. I am not for curtailing this privilege; it is essential (to some extent) to carry on the public business; and where not essential, it is designed and operates for the benefit of the people. But who ought to pay for it? Somebody must pay for it. We write free on the packets, but when we have done so they acquire no locomotive power; they do not fly through the air; they are carried along and distributed, by the usual means of transportation, to the amount of more tons than I will venture to estimate, in the course of the year. But this transportation, which takes place for the immediate service of the Government and the general accommodation of the people, instead of being paid for by the treasury, is thrown upon one class of the citizens, who are compelled by the Government to pay for carrying their own letters, and then for all the free letters, documents, and packages of the Executive and Legislative Departments. This seems to me unjust and unreasonable in the present condition of the treasury.

I think, therefore, that the cost of the unproductive post roads, instead of being borne by a part of the people, should be borne by the whole—should be a public charge. How much it would amount to in the course of the year I do not know; but the books of the Post Office, I presume, would furnish the amount on inspection.

In the next place, I think the treasury ought to be charged a reasonable sum on account of the transportation of letters and documents free of postage. What would be a reasonable sum depends on the proportion which this part of the transportation by mail bears to all the rest: I suppose that the two items together would fairly amount, in the present state of affairs, to over a million of dollars annually; that is, to one-half of the present cost of the establishment.

This would, of course, authorize a corresponding reduction in the present rates of postage; a reduction which ought, on every principle of equity, to take place.

In making the reduction, a new graduation of rates of postage might, I think, with propriety be made. I do not pretend that the amount charged can be made in all cases to correspond mathematically with the distance to which the letter is carried; but it seems too wide a departure from this rule, that while a letter from Boston to New Orleans pays but a quarter of a dollar, a letter from Boston to Washington should pay as much. The exaction of double postage for putting your letter into an extra half sheet, or for enclosing a five dollar bill in it, is also, I think, unnecessarily onerous.

The postage on pamphlets and newspapers might likewise be advantageously reduced. It is at present a heavy tax on literature and intelligence, not needed by the treasury. By combining with this reduction the method adopted in England to prevent the letter mail from being overloaded with other articles, or some other method for the same object, I think the convenience and interests of the people would be greatly promoted, and as acceptable a service rendered them as any in our power to render, in the way of reducing and equalising taxation.

There are various other views of this subject which I might present, but I forbear to consume the time of the House.

Mr. CONNOR, of North Carolina, said he did not object to the views of the gentleman from Massachusetts, [Mr. Everett;] he would, on the contrary, go as far as any body in supporting every practicable reduction of the postage on letters, newspapers, pamphlets, &c. If he understood the proposition of the honorable member, it had reference not only to a reduction of the postage, but also to the expediency of throwing the Post Office Department on the public treasury. He thought such a proposition would not be sustained by the House then or at any other time. It never was intended that the Post Office should be a source of revenue; but it was intended that it should bear its own expenses. Contrary to expectation it had done this and more. At different times a million or two had accrued at the treasury from the Post Office Department; which sum it would have a just right to call on the treasury for at any time when it might be needed. But, as an individual, he was not willing to burden the public treasury with a responsibility for the Post Office Department. The gentleman was well aware how the great amount of surplus has been disposed of; it had been expended in forming routes, and making openings through various sections of the country to facilitate the communications of the citizens in the different parts of the Union. Last year, up to July, there was a surplus of 200,000 dollars which had been thus applied. In the present year there was said to be a small deficiency of some 5 or 6,000 dollars; but then they were informed that it would exceed by as great an amount the next year.

The surplus of the department went, therefore, to the entire people: it might, in fact, be called the establishment of the people. As to the unproductive routes, he would inform the gentleman from Massachusetts that the Committee on the Post Office had taken up that matter, it was under consideration, and he thought it probable that a bill would be reported for their discontinuance. It could not be a matter of surprise that some routes should have crept in which ought to be discontinued, but the department had not the power to do it.

The department as well as the committee had recommenced the discontinuance of some of these routes; but when the matter came before the House it always met the opposition of members concerned in the particular routes, so that nothing had been done. The committee, however, having had the matter under consideration, in conjunction with the department, they were in hopes that they should be able to attain their ends by a separate bill for the purpose. The Post Office Department could not be thought too large or unwieldy whilst it was able to support itself. There was no danger, under any circumstances, that it should become a burden to the treasury. It had the power, by a single order, to sweep three-fourths or the whole of the mail stages off the roads, and substitute horse mails at the most economical rates. Mr. C. concluded by repeating his objection to the proposition of throwing the department on the public treasury.

Mr. WILDE rose, but the hour for resolutions having expired, did not address the House.

The remainder of the day was spent on private bills.

Saturday, December, 29.

REDUCTION OF POSTAGE.

The resolution offered by Mr. EVERETT, of Massachusetts, lying over from yesterday, came up again for consideration.

Mr. WILDE said, had he known, when he rose yesterday, that the hour allotted to such business was so nearly at an end, he would certainly have forborne to take the floor. To speak on a resolution, after a day's interval, was too much like a commonplace remark in conversation after a long silence. The little he had to say, however, though it would have been more appropriate then, if now to be said at all, had best be said at once. It was contrary to the usual courtesy of that House to reject a mere resolution of inquiry. If introduced without preface or comment, it generally passed without opposition or remark. But when a gentleman, not content with submitting his proposition, argued in favor of it, so far as his [Mr. W's] observation extended, it indicated just so much doubt of its correctness, or so strong a conviction of its urgency or importance, that other gentlemen were warranted, and even invited to intimate their first impressions even on its first appearance. He [Mr. W.] did not intend to intimate that the gentleman from Massachusetts [Mr. Everett] at all questioned the soundness of his own proposition. On the contrary, its novelty and importance had, doubtless, called forth that gentleman's explanation. Availing himself, then, of the privilege customary in such cases, he [Mr. W.] ventured to intrude a few hasty suggestions.

The proposition of the gentleman from Massachusetts was, in effect, to charge the Post Office on the customs. This would be virtually to discharge that House from the further consideration of reducing the duties to that extent. Adding two millions to the duties on imports, in the present state of our affairs, was like throwing water on a drowned man. In Mr. W's part of the country the chief distinction recognised among politicians here, was between those who wished less money to be raised by duties, and those who tried to find new ways of spending it. Among the latter class, he was forbidden to rank the gentleman from Massachusetts, [Mr. Everett.] That gentleman placed his resolution on the footing of its proposing a reduction of oppressive and unequal taxation. He [Mr. W.] accepted the omen. On a proper occasion he should be proud to have the support of the gentleman to that object. He was happy to hear the general principle avowed, though he feared there might arise some unfortunate difference of opinion between them, when they came to its application in detail.

With respect to postage, Mr. W. denied that it could, with propriety, be called a tax. It was not unequal. If it was mostly paid by the inhabitants of cities, they, too, derived the greatest advantages from it. So far as it was a charge on commercial correspondence, the merchants were indemnified by increased facilities afforded to enterprise and speculation. The cities received from abroad the earliest intelligence of events, which regulated prices in our markets, and these were often of sufficient consequence not merely to defray the charge of postage, but to warrant the expense of expresses. So far as political and literary information was concerned, the publishers of newspapers, magazines, and pamphlets, in the cities, derived the profits of a more extensive demand for their works, which the mail enabled them to circulate more widely.

There seemed to him no more propriety in maintaining that each part of the country should defray the expense of its own post routes, than in saying that the seaboard ought to pay for its own fortifications, and commerce for the navy that protects it.

As to the oppressive character of the charge of postage, he was not apprized that it had ever been complained of. If it had ever been galling, the sore must have grown callous. Providence, it was said, fitted the yoke to the neck; it fitted the neck to the yoke also. This had been worn until it became comparatively easy. Other burdens still touched the quick, and must be got rid of. In this manner the topic of postage had been considered and disposed of by the Committee of Ways and Means; and as he should be sorry to see that disposition of it at present disturbed, he felt bound to say thus much, merely to prevent the opinion of the House being prematurely affected by the great weight to which every thing that fell from the gentleman from Massachusetts was justly entitled.

Mr. HOFFMAN said that the resolution offered by the gentleman from Massachusetts, differed so much from the speech by which the mover had supported and explained it, that he could scarce find a single feature of resemblance. From the words of the resolution he should have concluded its object to be, that printers and publishers of newspapers and pamphlets, residing in our cities, might get their publications carried all over the country, free of postage, and be thereby enabled to enjoy a complete monopoly of the business. A design of this kind could, he presumed, hope for no support in that House. But, in his speech, the gentleman had urged considerations of at least a very doubtful character, if not wholly unfounded in fact. With the leave of the House he should consider a few of these.

The proposition advanced in the gentleman's argument went, if Mr. H. understood it, to pension the Post Office Department upon the public treasury. Such a scheme contained, at first blush, a manifest impropriety. During the last fifteen years it had been the settled policy of the Government to make this department support itself. It was a settled principle in this country that the transmission of intelligence should never be made a subject of taxation. The proposition in the resolution was, therefore, impolitic; contrary to the fixed policy and principles of this country. But it was quite as unjust as it was impolitic. The principal argument urged by the gentleman in its behalf, and the chief subject of his complaint in the existing state of the department, was the vast inequality of the operation of the present law of postage, the practical effect of which was said to be that the whole expense of the transmission of letters throughout the country was borne by a few persons. Mr. H. did not think that such was the case in point of fact. By whom was the greater part of the postage at present paid? First, by members of the legal profession, who transmitted the necessary papers connected with the causes in which they were engaged; this expense was always charged by the lawyers to their clients, and by them paid. Another class was the printers of newspapers and periodicals, and they charged the postage to their subscribers and customers. A third class consisted of merchants and men of business, and it was well known that postage formed an item of charge in their mutual accounts. The burden, then, fell on wide classes of the community, and was made a practice, as equal in its purpose, as in the nature of things was possible.

But, supposing the project of the gentleman from Massachusetts was adopted, by whom would the amount then be paid? It would be taken from the pockets of hundreds and thousands who had little or no concern in the transmission of letters, papers, or books at all. All these would be made tributary to the expense of an establishment with which they had scarce any thing to do, and from which they derived scarce any sensible benefit. The charge, surely, ought to be borne by those who were directly benefited by the establishment; and if any part of our population should be exempt, it ought to be those who had little or no interest in the transmission of the mails. The gentleman's scheme, instead of remedying, would aggravate and increase any inequality which existed at present. The gentleman complained of gross injustice in compelling the productive mail routes to bear the whole expense of those which were unproductive. But this complaint was as unfounded as the other. If the unproductive routes were to be pensioned upon the treasury, how was the department to ascertain which routes were unproductive and which were not? The reduction of the rates of postage would speedily operate to render many routes unproductive which now supported themselves, and sent a balance to the department. The gentleman would soon find that he had got the department into a situation where its difficulties were far more and greater than ever. Its old difficulties would be increased, and new ones created.

These were a few of the evil consequences that would grow out of the plan, so far as it had been illustrated by the gentleman's own argument. But it would be well for the House to look a little beyond the gentleman's speech. When they should have got the whole Post Office establishment as a pensioner upon the treasury, by what standard would the Postmaster General judge how often it was expedient that the mails should run on the various mail routes through the country? Innumerable calls would be made upon him, of the propriety of which he could not judge, and which he would not be able to refuse; and, before half a year had passed away, the expenses of the department would far exceed the amount that otherwise would have been more than sufficient to pay all its charges, and the inequality of the pressure would be infinitely greater than it was now.

He hoped there would be no disposition in the House to adopt any one of the gentleman's propositions; and, if so, then why institute an inquiry on a plan so impolitic that none could doubt its prompt rejection? Could it be expedient to make the inequalities of the burden, occasioned by the transmission of intelligence, still greater than they were at present? To produce a total inability to distinguish productive post routes from unproductive ones? To free the printers and publishers in our great cities from charge upon their papers and pamphlets, and thereby give them a monopoly of the publishing business? To destroy every county newspaper throughout the Union, or turn them into the mere agents of the large city establishments? Such a change, instead of being expedient, could not but prove manifestly injurious to the country. Would gentlemen ever consent to put the transmission of intelligence as a charge upon the treasury, when the treasury might need the aid of the Post Office? If, when the treasury was full, the Post Office became a petitioner for its aid, what might be expected when it should be empty? Believing the plan wholly inexpedient, Mr. H. said he should, when the proper time came, move to lay the resolution on the table; and he should do so now, but that he presumed the gentleman from Massachusetts would be desirous of an opportunity of convincing the House that his proposition was not so injurious as it at present appeared.

Mr. REED, of Massachusetts, said that the resolution offered by his colleague, had been at least of sufficient consequence to attract the attention of influential members of the House. But, after all that had been advanced in reply to the remarks with which the resolution had been introduced, the chief argument of his colleague had not been met, viz. that, according to the existing laws, the burden of sustaining the Post Office establishment pressed very unequally upon the country. This none had denied. The gentleman last up [Mr. Hoffman] had argued, that because the postage paid by lawyers and printers was charged upon others, therefore the burden was not unequal in its pressure. But, let gentlemen look at the States where this tax was paid, and the amount collected in each. This would show whether it was paid by the whole country in an equal ratio. The tax, as it was now collected, pressed severely upon a class who were far from wealthy. It was for this class of citizens that relief was sought. And had his colleague proposed relief to any thing like the extent gentlemen had represented? No, far from it. All he had proposed was, that the productive routes should not be burdened with the whole expense of the unproductive. He had not complained of the existence of such routes; on the contrary, he had professed himself willing still further to extend them. But, let the expense be borne by a tax that should be paid by the nation at large.

It had been urged that the House had received no petitions on this subject. But, surely, when the House was fully possessed of the facts, they stood in need of no petitions to enlighten them. They represented the interests of their constituents, and when they saw how those constituents might be relieved from an unequal burden of taxation, they ought not to wait to be prompted by petitions. While Congress was engaged in considering the propriety of reducing other taxes, they might as well consider the expediency of mitigating this also. It was a proper subject to be submitted to the Committee of Ways and Means.

Mr. CRAIG felt some anxiety on the subject of the present resolution, nor could he pretend that he was therein wholly free from all regard to his own interest. If the plan proposed should be carried out, it could not but prove highly injurious to the interests of his own constituents. Instead of curtailing the number of mail routes, he had long held the opinion that they ought, on the contrary, to be still further extended. The mail establishment was not so full and so complete as it ought to be. Many of the citizens of our country were entitled to the enjoyment of the advantages derived from the transmission of the mail in their own neighborhoods, who at present were destitute of them.

It had been said by the mover of the resolution that the tax at present paid was unequal and oppressive; that it bore hard upon a particular class of our citizens, who were more heavily burdened than they ought to be for the benefit of a different part of the country. This was precisely the argument used by those opposed to the protective system; and, in the arguments urged by the gentleman and his friends in reply to them, he would find the best answer to his own objection. No system of indirect taxation could ever be made to bear equally on all portions of the community. And this, so far from being a valid objection to that species of taxation, was the strongest argument in its favor; because its pressure fell heavily upon those who were best able to pay it. This was the best argument he had ever heard in favor of the protective tariff; and it applied equally to the law of postage. A very large part of all the postage collected in the United States was paid by the commercial community; it was a tax upon commercial correspondence; and it was coextensive with the growth and prosperity of commerce itself. In this correspondence the producers of the country had a deep interest. The farmers who constituted a large part of his own constituents, when they sent their flour to Lynchburg, to Richmond, to New York, or Boston, had occasion to correspond with those to whom it was consigned for sale; and the same thing might be said of all other producers similarly situated.

The gentleman last up, from Massachusetts [Mr. Reed] had told the House to look to the States where most of the postage was collected, and they would find it paid by the Atlantic States. Very true. But why? Because the produce of the other States there found its market. It was the commodity which paid the postage, and the postage was ultimately charged to the producer. Besides, our political system must be a whole. It would not do for the head to say to the foot, I have no need of thee; you are not so dignified as I, and I can do without your aid. We must take the weak with the strong; for our union was such, that if the weakest part of the body politic should be taken away, the strongest could not but speedily sympathize with it. Suppose Congress were able to check all the little rills which contributed to swell that mighty stream which now supported the Post Office establishment, what would be the consequence? One little spring might be cut off, and no sensible effect follow; and another might be stopped, and still no visible consequence be perceived; yet it was from streams, from springs, nay, from individuals drops, that the mighty ocean itself was supplied; and, by stopping the springs, one after another, even the ocean would at last be exhausted. The fine capillary tubes in the human system were all essential to the health, and even the vitality of the body. Many of the existing post routes might be, and doubtless were, unproductive. But why? Because they had been but recently established, so recently that a taste for reading had not had time to diffuse itself in the neighborhoods where they had been introduced. The people had not had time to acquire a taste for the fine effusions of the North; and how was such a taste to be cultivated? By cutting off the means of obtaining the periodicals which were annually multiplying themselves under the public patronage? When the system of mail routes should have spread its ramifications over the whole country, and extended itself into all its more obscure neighborhoods, then, if there should still be any surplus revenue derived from the establishment, Mr. C. would be prepared to reduce the rate of postage; but, till then, he must protest against it.

Mr. EVERETT had just risen to reply, when the hour for resolutions expired.

After spending some time on private bills,
The House adjourned to Wednesday next.

Wednesday, January 2.

REDUCTION OF POSTAGE.

The resolution heretofore offered by Mr. E. EVERETT, coming up again for consideration,

Mr. EVERETT observed, that though he had not anticipated, in offering this resolution, that it would consume so much of the time of the House, yet he believed the subject to which it referred was of importance enough to deserve all the time which it had occupied, or might yet occupy. He did not himself, however, intend to protract the debate; but as his objects had not been correctly stated, nor his arguments answered by any of the gentlemen who had followed and opposed him, he would trouble the House with a brief additional explanation.

Of the several gentlemen who had spoken against the resolution, not one has attempted to refute the broad principle, that as the Post Office establishment was partly for the public service, and partly for private accommodation, it was not just that the entire expense of it should be charged to one class of private individuals. The gentleman from Georgia (whose ingenuity had not found a reply to one of Mr. E.'s arguments) had said, that the resolution went to charge the Post Office on the customs. This was giving the resolution, to say the least, twice the latitude intended. Mr. E. had intimated only that a part of the expense of the Post Office (that part which was not for the service of the payers of postage) ought to be charged to the people at large; that is, ought to be charged to those for whose good the expense was incurred. The gentleman might call this charging the Post Office on the customs; but, if it were so charged, it would be precisely in the condition of the army, navy, executive, legislative, and judicial departments of the Government; and, in short, every public institution and establishment.

These are all "charged to the customs," precisely because the people of the United States had, from the first, given a preference to indirect taxation, as that method of raising the public revenues, whose burdens were most equally diffused and least felt. Why, the cost of that portion of the Post Office establishment, which was for the direct service of the public, or for the accommodation of individuals, who do not themselves pay for it, should not be defrayed as all other public establishments are—why it should be charged to a limited class of private citizens, who are not otherwise benefited than the rest of the community, I cannot conceive; nor has any gentleman, by any plain and common sense argument, attempted to show.

The gentleman from New York [Mr. Hoffman] had gone a step farther, and said that my resolution went "to pension the Post Office on the treasury." On the contrary, it goes to prevent every other department of the Government from being pensioned on the Post Office. Is not the official correspondence of each department a portion of the service of that department? Does not the transmission of despatches, instructions, and reports, to and from this place, in the army and navy, and in the fiscal department of the Government, form a portion of the service of those departments, and no other? Why, then, is the expense of this transmission charged upon that single class of citizens whose business or inclination leads them to receive letters by mail? Suppose the President of the United States should have (as he frequently has) occasion to send a courier with despatches to Europe, or an express to the seat of war on a distant frontier; might not the compensation and expenses of such courier or express, be charged to the Post Office with as much propriety as the whole mass of Government correspondence is now charged to it?

I believe, sir, that few gentlemen are aware of the enormous weight transported free of postage, and, consequently, at the expense of those who pay postage—in the mail. I have endeavored to make an estimate of that part which is most easily reduced to calculation, viz. the weight of the documents printed by order of the two Houses of Congress, for distribution by mail. From the best data within reach, I believe that the weight of those documents, taken with the pamphlet edition of the laws, amounts to forty tons annually; and this enormous weight, it is to be recollected, is to be transported all over the Union, not in baggage wagons and canal boats, but in light vehicles and stage coaches, at the rate of six or eight miles an hour. The expense, of course, was prodigious, and by whom paid? By those who receive the documents? No. They are free. By the people at large, for whose presumed benefit they are distributed? No, and it is the object of my resolution that it should be. But the expense of this vast amount of mail carriage falls on one class of the citizens, and that the class who do not receive the documents. And these documents form but one portion of what is transmitted free of postage; there is, besides, the correspondence of the executive and legislative departments, and of nine or ten thousand postmasters. To this enormous extent the other branches of the public service are pensioned on the Post Office—an arrangement in which I can perceive neither justice nor equity.

The gentleman from Georgia [Mr. Wilde] had said that it was unseasonable to press a measure of this kind at a moment like this, and that, in its operation, it would interfere with a great matter which the House had in hand. On the contrary, I hold it is precisely the right time for the introduction of the proposition, and, instead of interfering with the matter to which the gentleman alludes, I take it to be fairly part and parcel of that matter, and expressly referred to the Committee of Ways and Means, of which the gentleman is a member, as one of the points alluded to in the message at the opening of the session. The President says; "The subject of the revenue is earnestly recommended to the consideration of Congress, in hope that the combined wisdom of the Representatives of the people will devise such means of effecting that salutary object, as may remove those burdens which shall be found to fall equally upon any."

Now, sir, I have proved that the burden of the Post Office establishment falls very unequally, and the gentleman refuses to relieve those oppressed by it, because he has in hand a general plan for relieving those who suffer under what they think unequal taxation. I maintain that this Post Office tax, the heaviest single tax which the people pay, amounting to two and a half millions annually, is demonstrably unequal in its apportionment. All the other taxes in the country are levied on consumption, and that is as near an approach to equality as can be made. The postage tax, instead of interfering with a plan for removing unequal taxation, is in reality the only burden with which I am acquainted, which falls unequally on any of the people. Sixty or seventy tons of franked documents is, literally as well as financially, an enormous burden to throw on a single class of the community; to say nothing of the unproductive routes, the cost of which is also cast on the same individuals.

The gentleman from New York [Mr. Hoffman] had said that if the Post Office were not thrown on the treasury, the time would come when the treasury would make drafts on the Post Office; if we did not keep the Post Office and treasury distinct, whenever the latter ran low, the Government would resort to postage as a source of revenue. Sir, that will be done at any rate. Whenever the ordinary sources of public income, derived from the customs, are cut off, and it becomes necessary to resort to direct taxation, the Post Office will be among the first objects resorted to. In the last war the rates of postage were doubled. Foreseeing such an increase of postage hereafter, as the possible result of my proposition, the gentleman said my plan tended to tax intelligence and information for the use of the treasury. I say, on the contrary, I wish to prevent intelligence and information being taxed to carry on the various branches of the public service; and it is a very insufficient reason for refusing to take off the tax now that you may have to put it on again hereafter. Let us take it off now that we can, and keep it off as long as we can; it will be time enough to put it on again when we must.

The gentleman said that those who now pay the greater part of the postage did not themselves bear the burden of it. The lawyers charged it to their clients; the merchants to their customers. All this is true; but how does it help the matter? What is it that is thus charged over to clients and customers? Merely the expense of their own postage? Far from this. The clients, the customers, and others, who bear the ultimate burden of postage must pay, not only their own postage, but that of Congress and the Executive, and the cost of the unproductive routes of the country. The lawyer and the merchant might throw this burden from their own shoulders, but they could not do so only by throwing it upon others, to whom it as little belonged to pay it.

The gentleman had further objected, that if the cost of unproductive routes were thrown on the treasury, no means would remain for ascertaining what routes are unproductive. I confess I could not comprehend this difficulty. I do not perceive why it will not be as easy then as now. If the gentleman will but state the rule, (which he may not find so easy to be done,) by which productive and unproductive routes are discriminated, I will undertake to show that it will be as easy to apply that rule, should the unproductive routes be charged to the treasury, as it is now. I admit that it will be difficult to find any exact principle of estimating the productiveness or unproductiveness of routes. The law, however, positively requires it to be done, and a return made to Congress of all the routes which yield less than one-third of their cost. It might not be possible to come nearer than an estimate of the annual amount of unproductive expenditure; but when that estimate is made, by those best able to make it, I would thank any one for a plain, intelligible reason why the amount should be charged not to the people at large, whose interest dictates the support of these routes, but to a small portion of the people having no special interest in the matter. Such a reason I have never heard.

Besides all this, I believe the rates of postage might be essentially reduced, without any diminution of the revenue of the department. If the rates were diminished one-half, I am well persuaded that the quantity of correspondence would increase in that proportion. This is eminently true of all that correspondence which is not on business, properly so called. Letters of convenience, friendship, and inclination, and especially letters written by the poor, would unquestionably be multiplied in full proportion to the reduction of postage. The tax is a very heavy one on the part of this community, and really cuts off a great part of that correspondence which most promotes the pleasure and happiness of life. None but men of business, who are obliged to write, and the rich, who can afford to do so, now enjoy the advantages of the Post Office. In bringing forward this resolution, I do not look very particularly to the interests of that portion of the country which I represent. The commercial community does, indeed, bear a large portion of the tax. It is true, as has been said, it is best able to bear it; but if this is a reason against reducing this tax, it holds equally of every other. But it is the West, which, as a great section of country, feels this burden most severely, and suffers most in the restrictions which it lays on correspondence. The West is settled by emigrants from the East. The whole emigrating population is within the range of the highest rate of postage. Every one knows the strength of the ties which bind the feelings of the emigrant to the spot of his birth; his anxiety to receive intelligence from home, and to write back the narrative of what befals him. For every such letter the Government taxes him about twice what it costs to transport it, in order that all the public, official, and electioneering correspondence of Congress and the departments, may go free.

All I ask is inquiry into the subject by the committee. I wish them to investigate it, and see if they cannot reduce this tax. They may find that it can be reduced without producing any defalcation in the income. In that event they will not refuse to reduce it. They may, on a more deliberate examination of the subject, become satisfied, with me, that the postage of the Government ought not to be charged to a small part of the people, as it now is; and that the citizens on the productive routes ought not, besides paying their own postage, pay that of their fellow-citizens on the unproductive routes. Should this be the result of their examination, as it is of the best reflection I have been able to give the subject, they will have it in their power to recommend to the House a measure of relief, which, I am sure, will be very acceptable to the people.

Mr. **HOFFMAN** observed, in reply, that he had remarked, on a former day, when this subject had been under discussion, that, if the gentleman had submitted his resolution without the accompanying observations, it would probably have passed in silence, as containing some proper suggestions to the Post Office Committee. But the gentleman had thought proper to favor the House with his views and reasons for introducing it, from which it had appeared that the reasonings on which the resolution was founded, were wholly fallacious, and the purpose of its introduction very different from what might be gathered from the tenor of the resolution itself. The gentleman's whole argument, as it has now been put, lay in this fact that the transmission of intelligence among the people of the Union, was charged with the expense of the transmission also of the public documents, especially those printed and circulated by order of the two Houses of Congress. This might be a very good argument in favor of a reduction of the franking privilege; but for nothing else. If it was true that the two Houses were in the habit of franking more than they ought to do, it was easy to remedy the evil, by curtailing the power. Confine the franking privilege to the officers of Government, or limit it in point of time. The argument might avail against the people's reading so much, or against the Houses franking so much, or in favor of their franking more selectly; but it was no argument for the reduction of the rates of postage. Still less was it any reason why the expenses of the Post Office should be charged upon the treasury. Did not the treasury already contribute largely to the expense of that department? The legislation of the House, while occupied in examining and passing upon proposed mail routes, was paid for out of the treasury. A large share of the action of the department itself was sustained from the same source. All the salaries of the numerous officers of the establishment came out of the treasury, and he had no doubt if the matter were fully investigated, it would appear that a large part of the charges attending the transmission of the forty tons of documents, of which the gentleman had spoken, came from the same place.

But, allowing the burden to be as unequal as the gentleman had represented it to be, his own proposition would render it still more unequal. Those who paid now were persons who derived at least some advantages from the transmission of the mail; but those whom the gentleman wished to compel to pay, were persons who were almost entirely unconnected with it; who seldom sent, and as seldom received letters by mail at all.

The gentleman seemed to think that there was no just ground for the franking privilege enjoyed by the postmasters; if this source of expenditure should be closed, some other to the same amount would have to be opened in lieu of it; great inconvenience must result, and no diminution of cost in the long run. He complained, too, of the injustice of charging the support of the unproductive routes upon such as were productive. But Mr. H. believed that, without the former, the latter would lose much of their utility, and of their productiveness also. Many a letter now mailed at New York would never find its way into the Post Office, if the writer knew that, by the cutting off the routes at the end of the distance it had to travel, his letter would be prevented from certainly reaching its destination. Suppose that one-fifth of the expense of the Post Office should be charged upon the treasury, and the postage of letters reduced one-fifth also; the salaries of the postmasters must, of course, be reduced in the same proportion. The treasury would have to pay them, and so, in the end, the whole Post Office Department would come, as he had said, to be pensioned upon the treasury. There was no way, that he could see, to avoid it.

If the gentleman really desired that the committee should inquire only whether the rate of postage might not be reduced without injury to the funds of the department, Mr. H. should have no great objections to such an inquiry. He should rejoice to see the postage reduced as heartily as the gentleman from Massachusetts, or any other individual; and when there should be a permanent surplus of the funds of the department over its expenditures, he should be very willing to reduce the rates; but not till then. Laboring under the conviction that such was not the case, and believing the resolution, as explained by the mover, to be improper in its aim, he must move to lay it upon the table.

Mr. POLK demanded the yeas and nays upon this motion, and they were ordered by the House.

Mr. HOFFMAN consented to withdraw the motion, at the request of

Mr. CAMBRELENG, who observed that the debate which had occupied the time of the House, had no more to do with the resolution which had given the pretext for it, than it had to do with the subject of the tariff. The resolution in itself was one of the fairest and most proper subjects of inquiry that could be proposed. The expediency of a reduction of the rates of postage was a perfectly proper subject of consideration, and he thought ought to be proposed annually as a standing subject of legislative inquiry. If it should be found that the rates were higher than they need be, and the funds of the department accumulated with too great rapidity, ought not the postage to be reduced? Yet, while he held this opinion, and held it strongly, he differed entirely from the gentleman from Massachusetts in the views he had expressed. He considered our whole system of mail establishments as one undivided whole; and he believed that the inhabitants upon the Atlantic seaboard were as much interested in its extension and ramification as those of the interior. He considered it as much the interest of his constituents to keep up the unproductive routes, as it was of those who lived in the immediate vicinity of those routes; and it was as much their interest that the public documents should be sent all over the country as it was of any other citizens of the republic. The whole Post Office establishment had been instituted mainly for the accommodation of the commercial interest; and, of all the taxes paid in the country, one of the most just, equal, and universal, was that of postage. But, should the House stand by and see it accumulate to the amount of two millions of dollars, and not inquire into the expediency of lowering the rate of postage? of diminishing the tax upon the transmission of intelligence, civil, commercial, literary, and religious? However he differed from the views of the honorable gentleman from Massachusetts, he heartily concurred in the propriety of his resolution.

Mr. WATMOUGH said, the honorable gentleman from New York, on my left, appears to view this question only as it may effect the tariff, or rather any views against the tariff, which either the administration or a majority of this House may have in contemplation. Sir, if I could have any additional motive to induce me to go for the resolution of my honorable friend from Massachusetts, a resolution which, if carried, is calculated to relieve, to so great an extent, not only my own immediate constituents, but also the great mass of the people of the Union, from a tax evidently bearing partially and unjustly on them, that inducement I find in the very view taken by the gentleman from New York. If, sir, in relieving the great mass of the people from an unjust tax, I can likewise have the advantage of placing some slight barrier against the war of desolation which I perceive in the horizon, rolling with awful ruin onward towards my own and every manufacturing district in the Union, I am too happy to be able to avail myself of it. In this point of view, I trust I may venture to express the cheering hope that I shall be sustained by the whole body of my honorable colleagues from Pennsylvania.

Mr. DEARBORN referred to the early period in our history, when the chief intercourse by mail was confined to the vicinity of the seaboard, and when the whole amount received for postage did no more than defray the expense of transporting the mails; but, of late years, the business of the country had vastly augmented, and now the postage was more then quadruple what would be requisite for the mere expense of mail transportation. Between our great cities, from Boston to Baltimore, contracts could be obtained to carry the mail for a cent a letter. Why, then, were the rates still continued so high? That other routes through the interior might be sustained. The Government had the monopoly, and carriers dare not enter into competition with the Post Office Department. But not only was the postage on our mail routes much higher than it need be to cover expenses, but Government received a very high rate of postage where there was no expense at all, where the mail was not carried one rod. He referred to the tax charged upon letters from foreign countries: all these letters—and they often amounted by the packets to 20, 30, and 40,000 in a single vessel--six cents a piece was paid to Government, though they had not been transported by Government conveyance a single yard. Thus an amount of 2,400 dollars postage was paid upon letters received by gentlemen from their correspondents, and on which Government had incurred no expense whatever. Was not this a most onerous tax? Besides which, they had to pay a heavy contribution to the sustaining of unproductive mail routes. He hoped the inquiry would go to the appropriate committee.

The hour allotted to the consideration of resolutions having now expired,

Mr. VERPLANCK moved the orders of the day. The motion prevailed: Yeas 82, nays 79.

[This motion (from the chairman of the Committee of Ways and Means) was believed to be preparatory to another for the consideration of the new tariff bill, which may account for the above vote, on what is ordinarily considered a mere motion in course.]

When the bills first in the orders of the day were announced,

Mr. VERPLANCK moved to postpone the consideration of them until to-morrow, in order to go into Committee of the Whole on the state of the Union.

The motioned was negatived: Yeas 74, nays 83.

Mr. VERPLANCK then obtained leave to make an explanation, and said that there were several bills besides the bill to reduce the tariff, which had been reported by the Committee of Ways and Means, and referred to the Committee of the Whole on the state of the Union; so, that gentlemen who were opposed to considering the tariff bill at this time, need not vote against the motion, as other bills might be taken up. He should not press that bill if gentlemen were unprepared for it. He understood that, on account of some of the statements accompanying the report not having yet been printed and laid on the tables, some gentlemen did not consider themselves as ready to go into a discussion of the tariff bill to-day.

Mr. BURGES said that, if the gentleman would pledge himself not to move to take up that bill to-day, he would vote to go into committee, but not otherwise.

Mr. VERPLANCK replied that he would not pledge himself not to move the bill, but he would assure gentlemen he should not insist upon having it taken up now.

The House went into Committee of the Whole on the state of the Union, Mr. HUBBARD, of New Hampshire, in the chair.

Mr. VERPLANCK said he should waive his motion for considering the bill to reduce the tariff for the present, but would renew it at a very early day; to-morrow, if possible.

Certain appropriation bills being taken up, and having been gone through with—

AMENDMENT OF THE CONSTITUTION.

Mr. ROOT moved the consideration of a resolution offered by him last session, to amend the constitution of the United States.

The motion, after some opposition, was agreed to: Yeas 60, nays 50.

Mr. ROOT said the resolution was introduced last session, with the view of carrying into execution the very first recommendation of the President for the then three successive years. A report was moved at the last session, that it was proper to vote directly for President and Vice President, and that there should be some modification by which a recurrence to the House of Representatives should never take place if possible. This proposition, so solemnly and so repeatedly recommended to their consideration, would, he admitted, if carried into execution, change what he used to consider the principle of the presidential election. The principle he used to believe was this: that the election should be by States, in a manner substantially the same as under the old confederation, when each State had an equal number of votes; and that, under the constitution, as he understood it, the only alteration was this: that, inasmuch as the principles of taxation and representation were to go hand in hand together, the new constitution introduced another branch of representation, namely, the tax-paying interest; thus providing that the States paying the most taxes should have the greater vote in the choice of President and Vice President. By combining the principles of representation by States with that of representation according to the tax-paying interest, the larger States had more votes in the elections than the smaller. The electoral colleges, chosen in the manner which the States might respectively provide, had a direct vote in the election of President and Vice President. But a notion had prevailed, and had been increasing for years, that the election would be more popular in every State, provided the people chose their own electoral colleges.

In pursuance of this practice most of the States had provided that the people should choose their electors; this being so, it followed that, if it was proper that they should have a voice in the election of President and Vice President, then the constitution should be so provided that they could have their choice. The present President feeling the full force of this popular sentiment, amounting almost to a command, because it was the popular voice in every State of the Union, had recommended that the vote of the people in elections should be direct. Was there not, in the late election, additional reasons for this? He would ask whether, at the late election in most of the States—or he would mention the States of New York and Pennsylvania, because he was better acquainted with them—he asked, then, whether, in those States, the people called on to vote had an opportunity fully to express their opinion as to the candidate they desired to be elected? It was not so. When persons appointed agents, the fitness and character of those agents should certainly be taken into consideration. A man of honor, if he would do a thing, supposing it to be a proper thing, would be unwilling to do it with a foul instrument. Again: when a person employed an agent to do a thing, he was desirous to know whether he had performed his duty with fidelity; whether he had acted as he should have done if the person by whom he was appointed had been present. If he could not know this, he should be unwilling to appoint an agent. Besides, too, there was a liability that the agent might betray his trust voluntarily; he might be seduced or purchased to act contrary to the interests of his employer. The principle of elections had been lately urged on their consideration by reasons ten-fold stronger than Executive authority: he meant the declaration that the Executive is the representative of the whole people—that the Executive represents the whole United States. Forcible arguments were offered to show that such is the fact, otherwise a minority might elect a President against the will of the majority. If this was not to be inferred, at first sight, from the constitution, yet the principle was declared to be found there. Was it not better, then, if this was correct, to have it so plain that all might see that it was so; that it might be approved in all parts of the country, and by all parties, that the President is the representative of all the people of the United States taken as an unity. This principle, having received such high sanction, and been so universally approved, should they not place it in the constitution so as to make it beyond doubt? There would be no departure from the federal principle from adopting the provision of the resolution. When he introduced it, he thought it best that the Supreme Court should canvass the votes, so that, in a contested election, a body, supposed to be above all political feeling, should have the decision; but many of the select committee thought it would be best that the canvass should take place in the same way as heretofore. But one of the objections made by the members of the committee was, that, if there should arise a difference in the votes, an unequal vote might be obtained by a joint ballot of the two Houses. He preferred that the tax-paying part of the people should return their representatives, and it was necessary that there should be some court, some body instituted to decide, because it was impossible to decide by sending the question back to the people. In the anticipation of such an event, as that of sending the question back for the decision of the people, it would be necessary to have the election a year or two before hand, otherwise there would, in such a case, follow a dissolution of the Government. According to the calculation of chances, however, such a thing could not happen above once in a thousand years; there was not much danger to be apprehended from that; other circumstances might occur to cause a dissolution of the Union. Should it be said that a recommendation so solemnly and so repeatedly made, should be passed over without the consideration of the House?

Mr. **POLK** moved that, in reporting the bills which had passed through the committee, the resolution would be reported as still under consideration.

This motion gave rise to a long debate on a question of order, viz: When a number of bills have been successively considered in Committee of the Whole, and laid aside, and while another is under discussion, a motion is made to rise, whether the chairman of the committee, in making his report to the House, shall report the bills which have been considered and laid aside, to the House, without an order of the committee to that effect? and whether the bill or resolution under consideration when the motion to rise was made, and which bill, &c., had not been amended, is to be reported with the previous bills?

The debate terminated by the committee rising; when the chairman reported to the House all the bills, but reported progress only upon the resolution.

Mr. **WICKLIFFE** opposed the report of the chairman as unauthorized.

The **SPEAKER** replied that it could take cognizance of what had been done in Committee of the Whole only through the report of the chairman of that committee.

After several ineffectual attempts to amend or set aside the report, it was suffered to stand.

So the resolution of Mr. **ROOT** is still in Committee of the Whole on the state of the Union.

The House then adjourned without acting on the bills reported from the Committee of the Whole.

Thursday, January 3.

REDUCTION OF POSTAGE.

The House then resumed the consideration of the resolution submitted on a preceding day by Mr. Everett, of Massachusetts, instructing the Committee on Post Offices and Post Roads to bring in a bill reducing the rates of postage.

Mr. **CAMBRELENG** said that he had an amendment to propose, which might, perhaps, meet the approbation of the gentleman who offered the original resolution, and of the House also; it was simply to provide that the efficiency of the Post Office should not be impaired, nor its ability to sustain itself diminished. Mr. C. then offered the amendment.

Mr. EVERETT regretted that there should be any objection to a resolution of inquiry going to the Post Office Committee. The character of that committee was, he should have thought, a sufficient guarantee that nothing injurious to the public interest could be expected at their hands. He was of opinion that the resolution should be referred without the restrictions imposed by the amendment; but, rather than it should be rejected, he would vote for the resolution with the addition of the amendment.

Mr. POLK said that, as he could not perceive any necessity for acting on either the original proposition or the modification suggested by his friend from New York, [Mr. Cambreleng,] he should move to lay the resolution and amendment on the table.

On this moton Mr. EVERETT demanded the yeas and nays; which being ordered and taken, stood as follows: Yeas 89, nays 89.

The Chair gave the casting vote in the affirmative; so the resolution was laid on the table.

The question came up on the engrossment of the several bills which passed through the Committee of the Whole on the state of the Union.

Mr. ROOT wished to inquire whether the committee had reported these bills?

The SPEAKER said such was the report of the chairman of the committee.

Mr. ROOT moved that the Committee of the Whole have leave to sit again upon these bills.

The SPEAKER declared the motion not to be in order.

Mr. ROOT appealed from the decision of the Chair, and explained the grounds of his appeal at length.

The SPEAKER explained the grounds of his decision, which was affirmed by the House without a division.

Mr. ROOT then moved that the bills be recommitted to the Committee of the Whole on the state of the Union, but it was subsequently withdrawn.

The bills were all ordered to be engrossed as reported from the Committee of the Whole on the state of the Union, excepting the bill making appropriations, in part, for the support of Government for 1833, and that exempting merchandise, imported under certain circumstances, from the operation of the act of May, 1828.

When the first named bill came up,

A motion was made by Mr. FOSTER to amend the items appropriating 25,600 dollars for the incidental and contingent expenses of the Senate, and 100,000 dollars for the incidental and contingent expenses of the House of Representatives, by appending thereto the following, viz: "And no part of this appropriation shall be applied to any printing, other than of such documents or papers as are connected with the ordinary proceedings of either of the said Houses, ordered during its session, and executed by the public printer, agreeably to his contract, excepting such as may have been ordered by the joint committee for preparing a code of laws for the District of Columbia, or such printing and books as have heretofore been ordered by the House."

Mr. FOSTER explained the grounds of this amendment, which, he stated, would make the provisions of the act, in this respect, similar to that in the act of 1829--30. He was opposed to the practice of furnishing books for the members of either House out of the contingent fund of that House. An appropriation, by a resolution of the House, out of the contingent fund, to improve the city of Washington, was quite as correct, in point of principle. If it became necessary to furnish books for the members, let it be done upon the vote of both Houses of Congress, agreeably to the forms prescribed by the constitution.

Mr. VERPLANCK was aware that the House had perhaps, gone too far in the purchase of books from the contingent fund; but this amendment might prevent the furnishing such as were absolutely necessary. He thought gentlemen ought to be willing to trust themselves on this subject.

Mr. FOSTER thought the reason for this amendment was quite as strong now as three years ago. It was provided by the constitution that money should not be drawn out of the treasury but by law. The contingent fund had been applied to the purchase of books for members without law, by only a simple resolution of the House. There was a standing appropriation of five thousand dollars for the increase of the library. He thought that was sufficient without purchasing five or six thousand dollars worth of books for the individual benefit of the members.

Mr. W. McCOY called for the yeas and nays upon the amendment, which were ordered.

The amendment was adopted: Yeas 101, nays 70.

The bill as amended was then ordered to be engrossed.

REMISSION OF DUTIES.

The bill to exempt merchandise, imported under certain circumstances, from the operation of the act of 19th May, 1828, then came up on the question of engrossment.

Mr. WICKLIFFE observed, that it was only necessary to understand the principle of this bill to be convinced that it was against the true policy of the country. The merchants, who were to be relieved, had ordered goods from abroad previous to their knowledge that the tariff bill of 1828 was about to be passed, and when it was too late to countermand their orders before that law went into effect. The goods came, therefore, liable to a much higher duty than had been calculated upon when they were ordered, and a loss ensued. Admit this state of the fact, still they were not entitled to the relief claimed, because they had it in their option to reship the goods and get the drawback. Besides, the goods thus imported, had been sold by the importers; and if the principle so often advanced, and so strenuously maintained in that House, that the consumer of the goods paid the duty, was a true principle, how could it be just to refund to these importers the amount of duty which they had charged upon the goods sold, and had, therefore, already received from their customers? Besides, Congress had no right to charge less duty on goods imported by our own merchants than on those imported by foreigners; to do so would be a violation of our commercial treaties; and if this relief was to be extended to all the merchants, resident as well as native, Government must go back and refund the whole difference of duty between the tariff of 1824 and 1828. It was said that the prices at which the merchants sold their goods, did not reimburse them for the cost and duty; it might be so; it could not be helped; it was one of those curses which ever followed too frequent legislation on such great and momentous concerns. The bill went to establish a principle which the Government could not carry out, and its operation would be unequal and unjust.

Mr. HOFFMAN wished to be informed on what description of goods, in point of fact, the duty would be refunded, and what would be the amount taken from the treasury?

Mr. VERPLANCK replied, by referring him to a document where the kinds of goods were detailed. The total amount to be refunded would be 450,000 dollars.

Mr. DEARBORN said that it would be recollected by the House that the tariff law of 1828 was passed on the 29th day of May. It had been reported, however, at a very early period of the session, and in its original shape; the time at which it was to take effect was declared to be on the 30th day of June. When the bill was about to pass it was deemed proper to alter this period to the 1st of September. This alteration had been made by the

Senate; but, through inadvertence, the amendments had been confined to the first section of the bill, and had not been inserted in the other clauses of it. Hence, it came to pass that the law operated very unequally. On the goods embraced in the first section of the bill, viz: iron, steel, and lead, the duty did not become operative until the 1st of September; while, on all other goods mentioned, it took effect on the 30th of June. The law was passed at so late a period of the session, that it was impossible the news of its enactment could have reached the more distant parts of the United States until early in June; after which thirty days would be required for the intelligence to reach the nearest ports of Europe. It was obviously impossible that orders for goods, which had been previously sent out, could be countermanded in time to save the goods from the operation of the law--especially those which were ordered in Asia, (and we had then much trade with Smyrna,) and those in South America and the Baltic Sea. The most strenuous efforts had been made to countermand them; but the letters from agents abroad stated that the cargoes had been contracted for, and those contracts could not be annulled. Some were, in consequence, directed to sell abroad; but they replied that, on receiving the news, goods had fallen, and if the cargoes were sold they would not bring first cost. When the goods thus purchased came in, they had to compete with those which were already in market, and the consequence was a general fall in the price of goods. So far was it from being true that the consumer had paid these duties, that the whole loss fell exclusively on the pockets of the importers; and the goods were finally sold at a very great sacrifice. On one order of wool from Smyrna, as much as 19,000 dollars had been lost by the difference of duty. Mr. D. said that he had at that time been in circumstances to know the true effect of the tariff of 1828 upon the commercial world. There had been no previous notes of preparation by which any merchant could have been enabled to anticipate that such a law was about to pass. He had scarce found one who believed that the bill would ever become a law. It came upon commercial men with a sudden shock. Agents, familiar with the markets of England, had made the utmost efforts to sell abroad, but had been unable to do it. And the whole loss which ensued fell directly upon the importer, and upon him alone.

Mr. D. asked whether it was just, whether it was equitable, or honorable, in Government to pass a bill of so much consequence, with such suddenness as to leave no time for the countermanding of orders sent abroad, and then to refuse to the merchant, thus taken by surprise, that relief to which he had a right? It had been urged by the gentleman from Kentucky, [Mr. Wickliffe,] that merchants never could escape the consequences of a ruinous fluctuation of duties. This was but too true; but was this to be advanced as an argument against the demand of honest claimants? If the Government had pursued a wrong and oppressive course, were they to be told that they must never come to their senses, and compensate for what they had inflicted? Was it not an act of simple justice? He trusted the House would never yield to such an argument. He believed the petitioners had suffered great wrong, and were justly entitled to redress. As to foreign merchants, few sent goods here on their own account. Most of them had houses here, which were considered as entirely on the footing of American houses; and he had no objection that the relief should be extended to them as fully as to our own merchants.

Mr. HOFFMAN observed that the situation in which he had been placed, by the selection of the House, must plead his apology for opposing the bill now before it. Having adverted to the facts on which the claim was founded, he concluded that the bill was consistent neither with the principles of sound policy, nor the dictates of a just and enlightened judgment. It was maintained that, when the Government passed an act, raising the amount of duty on imported goods, it was bound to allow the importer full time to countermand his previous orders, or supply himself abundantly before the act should take effect. In the session of 1828 such a principle would have been deemed, by certain gentlemen, heretical in the extreme. The object in passing the tariff of that year was avowedly to secure to the American manufacturer, and to the owners of goods already on hand, the entire possession of the American market. Now, to maintain that the act must be made so far prospective that the importer should have ample time to order such a supply as must in effect prevent the purpose in view, would have been considered as a proposition intended to defeat the bill. Now, if it would have been impolitic not to pass such a bill as the tariff of 1828, it must be equally so to relieve merchants from its operation. The two things went on the same principle. If the House must grant this relief, in order to prevent the law from being unjust in its operation, then it was equally binding so to construct the law that no such relief would be needed; and, to do this, it must be so far prospective that the merchant should, in fact, have time to evade its effects. And, on the same ground, whenever Congress should reduce the duties, the law must have the same character, in order that the holder of goods imported under the former rates of duty, might have time to get rid of them.

If that was the judgment of the House, they would express it by passing the present bill. The gentleman from Kentucky [Mr. Wickliffe] had stated the substantial objection to the bill. Few persons would dispute the doctrine that duties fell eventually upon the consumer. On this principle alone a tariff bill could operate as protection to domestic industry. If the American manufacturer could get the same price for his commodity, without the duty on the imported, he was very sure he would never desire such a duty to be laid, because its effect must be to make the goods come so much dearer to the consumer. It was said, however, that, after the tariff of 1828, the prices of goods had declined. How this was to be accounted for, Mr. H. never could conceive, unless it arose from a vast over importation; and if this importation was caused by the anticipation that such a bill as the tariff of 1828 would become a law, then no just claim could be pretended for relief. If it was over-importation which had kept down the price, let those who imported take the consequences. But Mr. H. rather supposed such an effect grew out of the natural course of trade, and the foreign goods came in only to pay for our own products which had previously gone out.

The gentleman from Massachusetts [Mr. Dearborn] had said that the tariff had been passed so suddenly, that it was impossible any merchant could have anticipated it. Mr. H. differed from that gentleman entirely as to the state of the fact. The question had been agitated during the preceding session of 1827. In 1828 a great convention had been held, the reports of whose proceedings not only spread through every portion of this country, but went abroad to other countries. The whole object of holding that convention had been to bring about an increase of duties on foreign manufactures; and the over-importation of that year was occasioned by the expectation that such a measure would be adopted. Mr. H. however, did not place much reliance on this; for though the imports had been very great, they had not much exceeded the amount necessary to pay for the exports of the previous year, and the cost of their exportation. But still, the overstocking of the market was the reason why the price of goods had not risen after the law went into effect. The prices had fallen; but they would have fallen yet more if the duties had not been increased. If this was true, the importers had no just demand for compensation. There was another reason why their demand was not reasonable. The whole evil they had suffered arose from the state of the foreign market, or was so intimately connected with it that it was impossible to say to what exact amount they had been injured by the passage of the act. How could any man say that it was just 100,000, or exactly 400,000, or any other specific sum? The whole subject was enveloped in mist and uncertainty. Though the price of goods had not risen in proportion to the increase of duty, yet they had not fallen as much as they would have done had the duties not been raised.

On the whole, Mr. H. considered the bill, in its principle, both impolitic and unjust. If the principle was to be established, that whenever any charge of the rates of duty was to be made, either by increasing or diminishing them, the merchant must be allowed time to shape his business accordingly, the importer would enjoy a great advantage over both the manufacturer of domestic and the importer of foreign goods. It was only by a strict enforcement of the rule of law, that these clases would be enabled to defend themselves against the competition of the importers. Were not these holders of goods, in country stores especially, the very collectors of the revenue? Ought not Government to protect them as such, and give them a fair chance of living in their own market? But should Government always allow a delay of three, four, or six months before a tariff law went into effect, there would still be importers in the same relative condition as now; and the effect of such delay would fall with most destructive effect on all retailers, and on all the manufacturers of the country: a numerous class of citizens, whom, he trusted, no man in that House was disposed to injure.

Mr. **INGERSOLL** rose in support of the bill. The principal objection to it, as he understood gentlemen, was, that the relief now sought was not provided by the tariff bill itself. If that argument was a good one, then the House must take it for granted that every bill ever passed by Congress, ay, though it might be "a bill of abominations," was the very best that could possibly have been passed; and, however harshly its provisions might operate, Congress was never to provide a remedy. There was nothing new in the principle of this bill. It had been the invariable practice of the Government of the United States to grant relief in all cases where the parties concerned had had no opportunity to become acquainted with the existence of the law, or where a law operated with oppressive rigor on particular interests in the country. Laws of this character had passed during the continuance of the restrictive system and the non-importation act; forfeitures were every day remitted, in cases where vessels had not been in circumstances to get notice of the legislation by which they were to be effected. Many of these claims arose out of cases in which the tariff law of 1828 had never been intended to operate. The circumstances of the two dates, at which different portions of that law had taken effect, had been already explained.

There was no necessity of settling the abstract question, whether importers were, in all cases, to have full time allowed them to prepare for a law before it went into operation. He should not rely upon theories. The House ought not to be governed by theories. They should look at actual matter of fact. After the passage of the tariff of 1828, it was a fact that goods had fallen generally. There had been no material rise in prices. The importers had had no opportunity to countermand their orders, which had been predicated in the duties of 1824, and the whole increase of duty fell upon the importers alone. The gentleman from Kentucky had asked why they did not reship the goods? The answer was easy. The expense would have amounted to more than the excess of duty. They must encounter a loss at all events, and they preferred relying on the justice of Congress who had drawn them into the difficulty. The act obliged them to make out a clear case to the satisfaction of the Secretary of the Treasury; and, if they were able to do this, they were justly entitled to relief.

The House here, on motion of Mr. **BURGES**, adjourned.

FRIDAY, JANUARY 4.

THE TARIFF BILL.

The following resolution, moved yesterday by Mr. **VERPLANCK**, coming up to-day in course, it was read as follows:

Resolved, That on and after Monday next, as soon as the morning business is over on each day, the House will proceed to the consideration of the bills from the Senate, and engrossed bills, and such as have passed through Committee of the Whole House, and that, at the hour of one, on each day, the House will proceed to the consideration of "the bill to reduce and otherwise alter the duties on imports," until otherwise ordered.

Mr. **McKENNAN** moved to amend the resolution by striking out "Monday next," and inserting "the first Monday of February next."

Mr. **McKENNAN** said that his motive in moving an amendment of this description must be obvious. An act had passed at the last session of Congress, reducing the duties on imports, and before that law had gone into operation, another bill was now reported to the House to carry the reduction still further. He appealed to the gentleman, he appealed to every member of the House, he appealed especially to his own colleagues, to say whether they had received any expression of the opinion of their constituents, which would justify them in acting on such a proposition? There was not a citizen within his own district who so much as dreamed that the subject would be touched during the session; and he could not feel himself at liberty to consent that such a measure should even be considered. The bill from the Committee of Ways and Means aimed a blow, a fatal blow, at the interests of his constituents.

Here the **CHAIR** interposed, and reminded the gentleman that the merits of the bill could not now be gone into.

Mr. **McK.** resumed, and said that he had only adverted to the character of the bill, to show the vast importance of the measure which this resolution went to bring at once and exclusively before the House. It had only been a few days since the bill had been reported. The moment he could obtain a copy of it he sent it to his constituents; they had not had time to consider it, or to send on to him the result of their examination of it. Until then he had nothing to justify him in giving his assent to such a resolution.

Mr. **POLK** said that the gentleman had given to the resolution an importance to which it was not entitled. It was a mere arrangement of the business before the House. To adopt the amendment which had been proposed, would be equivalent to the expression of a determination that the House would not go into even a consideration of the great question of the reduction of duties at the present session. He trusted gentlemen were not prepared to say this. The resolution was a literal transcript of one passed at the last session. If the subject was to be taken up at all, it was obviously necessary that it should be considered at as early a period as might be consistent with a due regard to other public interests. He believed that these would not suffer from the adoption of the resolution; and he hoped, therefore, that it would be agreed to; and, with a view to ascertain whether the House was or was not disposed to take up the subject of the tariff at the present session of Congress, he demanded the previous question.

The motion was seconded by the House: Ayes 83, noes 78.

The question then being whether the main question shall now be put?

Mr. VANCE demanded the yeas and nays; and they were ordered by the House.

Mr. WILLIAMS called for the reading of the resolution and amendment; and they were read again.

Mr. CRAWFORD remarked that the vote just taken showed the absence of fifty members of the House; and, as this was avowedly a test vote, he thought it no more than fair that all should be present; he, therefore, moved a call of the House; which was ordered.

The Clerk proceeded to call the roll, and having got through with it, and the names of the absentees being ordered to be called again—

Mr. WILDE moved that all farther proceedings on the call be suspended, as he feared that otherwise the hour allotted to resolutions, would elapse before the yeas and nays could be taken on the question before the House.

Mr. ELLSWORTH opposed the motion. He believed no question had ever been agitated in this House since the organization of the Government, so deeply involving the interests of his constituents, if not of the country, as the question of repealing the tariff. To enter upon an inquiry to do this, and to enter upon this inquiry without liberty of debate, might well alarm the people. He should be glad to assign some reasons for not again, at this time, and under existing circumstances, legislating on the tariff; he was not willing thus to hasten to retrace the steps so lately taken. He trusted that on one of the most momentous questions which could come before them, it would at least be permitted that all the members should have an opportunity of voting. If the measure was to be thrust down their throats, let them at least have liberty to record their votes against it. He should have been exceedingly glad if the gentleman from Tennessee [Mr. POLK] would have permitted those who were very deeply interested in the result of the measure proposed, an opportunity of expressing their sentiments; but as that was denied, he hoped that they should be allowed at least the consolation of recording their votes in relation to it.

Mr. POLK said there seemed to be some misapprehension as to his purpose in calling the previous question, and as to the effect of that motion. He had had no wish whatever to preclude the fullest discussion of the subject of the tariff; this was merely a resolution in relation to the order of business before the House. So far from its being his purpose to "thrust down the throats" of gentlemen any discussion in reference to the subject of the tariff, the effect of the amendment would be, on the contrary, to allow the fullest opportunity to have that subject considered and discussed. He trusted his friend from Georgia [Mr. WILDE] would withdraw his motion for a suspension of the call.

Mr. WILDE was sorry he could not do so; but he was disposed to proceed upon the old maxim—"When you are in a majority, act: when you are in a minority, talk." The House could not complain of being taken by surprise; the resolution had been offered yesterday, and laid on the table; every one knew it would come up to-day. He wished, therefore, that the House should proceed to the vote.

Mr. SLADE demanded the yeas and nays on the motion to suspend the call, and they were ordered by the House.

Mr. BURGES remonstrated against the precipitancy with which gentlemen wished to proceed. All ought to be present; and time should be allowed them to reach the House in the ordinary course of attendance. Who could have dreamed that, at a time like this, the previous question would be called upon them, and that on a subject upon which the House at the last session had deliberated for five months? The gentleman's resolution went to thrust the tariff bill ahead of all other business, and cause it to override every thing else. And this, not that they might carry into effect the will of their constituents, but the will of those known not to be their constituents.

Here the CHAIR interposed, and arrested the discussion, as running into the merits of the bill.

Mr. B. resumed, and insisted that time should be allowed to all the members to be present. There would have been no call of the House had not the motion been considered as one of a very extraordinary character: a measure altogether unprecedented, and beyond the remotest expectations, even of those most submissive to the will which had thrust the general subject upon the House. The members ought to be at the House; yes, though the cannon should be pointed at that Hall.

The question was now put on suspending the call, and decided by yeas and nays: Yeas 106, Nays 85.

So the call was suspended.

The CHAIR now stated that the hour allotted to resolutions had elapsed, and the subject was laid over.

The remainder of the day was spent on private bills.

SATURDAY, JANUARY 5.

POINT OF ORDER.

Mr. ELLSWORTH, from the Committee on the Judiciary, reported a bill to revive and continue in force the law appointing a reporter of the proceedings of the Supreme Court, and moved that, without commitment, the bill be ordered to engrossment for its third reading.

The CHAIR decided that the bill, going to create an office with a salary, came within the spirit of the following rules:

"101. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House.

102. No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed, and voted in a Committee of the Whole House, and so in respect to the time of its continuance.

103. All proceedings, touching appropriations of money, shall be first discussed in Committee of the Whole House."

From this decision Mr. ADAMS took an appeal, and the question of order was argued at large by Messrs. WICKLIFFE, ADAMS, ELLSWORTH, IRWIN, TAYLOR, WAYNE, WILLIAMS, E. EVERETT, and REED, of Massachusetts.

The Speaker's decision was sustained by himself, upon the ground that whatever doubt there might be as to the strict letter of the rules, this bill came clearly within their reason and spirit. These rules, he maintained, were the laws of the House, intended to govern their proceedings, and ought, therefore, to be construed according to their obvious intent and spirit, the good to be obtained by them, or the evils guarded against. So long as he presided over the deliberations of the House, he should pursue this course, in the discharge of his duties, and in construing and expounding its rules.

The object of these rules could not be misunderstood. They were intended to guard against precipitate legislation, and to afford every opportunity for free discussion and debate on all subjects touching the appropriation of money, or imposing a tax or charge upon the people. This bill creates a new office, and fixes a salary, though the appropriating clause is omitted. Hence it was said not to fall within the operation of the rules.

The Chair maintained that the omission of the appropriating clause made no difference; it was of a character which rendered it peculiarly liable to the operation of these rules. The Chair proceeded to show the danger of such a construction, and the manner in which the benefits and spirit of the rules would be defeated.

What benefit would arise from the committal of a bill appropriating a sum of money, after the law had fixed the office, and salary, and the appointment had been made, and the duties performed? The appropriation would follow as a matter of course. He instanced the cases of the President, judges, and officers of the United States. What benefit, in fact, arose from committing a bill appropriating the funds to pay them? None. But suppose a bill to raise the salary of all these officers, is it not apparent that the commitment of the bill, in such case, would be important? The Chair thought it an important decision, and felt gratified that it would now be settled by the solemn judgment of the House for their future action.

Mr. **ADAMS** hereupon withdrew his appeal.

Mr. **ARNOLD** asked the Speaker whether the discussion which had been made, would now appear upon the journal?

The **SPEAKER** answered that it would not.

Mr. **ARNOLD** then said, as he considered the discussion of the Speaker as settling an important principle, a principle which threw an additional guard around the public treasury, he was desirous of having it upon the journal. He was desirous of this for several reasons. It guarded the people's money for one thing; and, therefore, ought to go upon the journal. It will enable us to act uniformly on this subject; and, as he had no other means of getting it upon the journals, but by renewing the appeal, he did so, although he should vote to sustain the decision of the Chair, believing it to be right.

Mr. **REED** demanded the yeas and nays; which being ordered, were taken, and stood as follows: Yeas, 162, nays 14. So the decision of the Chair was affirmed, and the bill was committed.

The House then proceeded to the orders of the day, being private bills, among the rest the bill for the relief of Major General Alexander Maoomb, [which goes to relieve him from the payment of 10,000 dollars as security for a paymaster.] Mr. **WARD** explained, and advocated the bill with great warmth. It was proposed by Mr. **DANIEL** that the bill go to the Committee on the Judiciary. Mr. **WILLIAMS** thought it should be referred to the Committee on Claims; and, on these motions, a long and desultory discussion arose, which was not terminated when

The House adjourned.

Monday, January 7.

POINT OF ORDER.

The following resolution, moved last week by Mr. **Verplanck**, came up again for consideration, viz:

Resolved, That on and after Monday next, as soon as the morning business is over on each day, the House will proceed to the consideration of the bills from the Senate, and engrossed bills, and such as have passed through Committee of the Whole House, and that, at the hour of one, on each day, the House will proceed to the consideration of "the bill to reduce and otherwise alter the duties on imports," until otherwise ordered.

And the question lying over being, "Shall the main question on this resolution be now put?"

Mr. **DENNY** moved to lay the resolution on the table.

Mr. **STEWART** moved a call of the House.

On this motion Mr. **TAYLOR** demanded the yeas and nays. They were ordered, and taken, and stood: Yeas, 71, nays, 106.

The question then coming up on the motion of Mr. **DENNY**, to lay the resolution on the table, it was decided in the negative by yeas and nays: Yeas, 78, nays, 112.

The question next being, Shall the main question be now put? It was decided in the affirmative: Yeas, 107; nays, 88.

The main question was, on the adoption of the resolution, and as it was about to be put,

Mr. **BATES**, of Massachusetts, stated to the Chair that the hour allotted to resolutions had expired, and moved that the House proceed to the orders of the day.

The **CHAIR** pronounced this motion to be out of order, inasmuch as the House had ordered the main question now to be put.

To this decision Mr. **DENNY** objected, and took an appeal.

The House sustained the decision of the Chair; and the main question, "Shall the resolution be adopted?" was then decided in the affirmative: Yeas, 118, nays, 82.

REMISSION OF DUTIES.

The House then proceeded to the unfinished business of Thursday—the bill to exempt merchandise imported under certain circumstances from the operation of the act passed 19th of May, 1828.

A prolonged and animated debate took place upon the principle of this bill, of which the following is the substance:

Mr. **BURGES** said the ground upon which the gentle- from New York [Mr. **Hoffman**] appeared to place his present opposition to the bill was, that it effected the rights of the manufacturers. This, in his view, was not a sound objection to the bill. Ardent as he had ever been in the support of the manufacturing interest, he was unwilling to do injustice to the merchants. Where a question of justice arose, it was not for him to distinguish one interest from another. This merchandise had been imported under peculiar circumstances. The proposition to increase the duties had been debated during the greater part of the session of 1828. It was thought by most importers that the bill, for that purpose, would not pass. They had accordingly gone on as they had done, and ordered their goods under the duties which prevailed in 1827. But when the goods arrived here, the duties imposed by the act of 1828, were levied upon them. From the course trade had assumed, it was not in their power to get back the money they had thus paid in increased duties. The general rule undoubtedly was, that the impost paid on the importation of merchandise became one of the elements of its price to the consumer. But when this was carried beyond a certain rate, purchasers would not buy. This had been their condition. They had been obliged to sell the goods at a sacrifice or not at all. Inquiry had been made as to the amount which might be drawn from the treasury under this bill. It had been intimated that half a million was too much to pay under such circumstances. But, in such a case, the greater the amount the greater necessity existed for justice. Those who claimed that this amount should be refunded, had proved that they could not countermand their order for goods—which they would have done had opportunity been given; and that the prices had not been raised in consequence of the increased duty paid upon the goods. It had been supposed that the law would not go into operation before the 30th of September. But it was found that this period was confined to the first section; all the others went into operation on the 30th of June. He had himself stated, on going home, after the close of the session of 1828, that it was by mistake that the law did not take effect in all its sections in September instead of June. A liability was thus brought upon the importers, which they could not avoid. The proof that goods declined in price instead of rising, is conclusive. [Mr. B. stated, and commented upon the testimony in the report on this point at length.] There was in the treasury about half a million of dollars, which, in equity and justice, belonged to these importers. We were their debtors to that amount. They cannot be paid unless this bill is passed. They had brought goods into the consumption of the country, to the amount of a million and an half of dollars, which could not be sold for more than costs and charges, without the duty. The country had been benefited by the cheapness which was thus occasioned. This great stock had caused a decline of prices which had been continually going on. In consequence of these importations, goods have been purchased from that time to the present at less prices than they would have otherwise brought. They had been obliged to pay an amount in duties, which had not been refunded by the consumers; and that, in consequence of the operation of the law, which was not fixed at a time sufficiently prospective to enable them to protect themselves. Shall they be compelled to bear this loss for relying upon the maxim that duties are paid by the consumer? The loss was occasioned by a mistake in legislation, and it was our duty to make reparation.

Mr. WICKLIFFE thought he could satisfy the House in a few words, that the bill ought not to pass. The bill proposed to refund the duties paid on merchandise imported between June and September, whether any loss was sustained on the importation or not. If the relief contemplated is placed on the ground that loss has been occasioned by our legislation, why are not the invoices and accounts of sales of these goods produced and submitted to a committee, who would report the facts? It would then be seen whether a loss had been sustained in point of fact. But, by a general law applying to all cases of importation, whether profitable or otherwise, it is proposed to pay back the duties. He was not prepared thus to open the doors of the Treasury—especially upon this alleged ground of mistake. He well remembered the progress of the bill of 1828; and his recollection was borne out by the journals. The bill was not passed in haste. It had been urged in 1827. As the woollens bill of that session did not pass, a great convention was got up during the summer of that year. The Presidential election was then pending. The friends of the candidates, then before the people, gave many assurances of their friendship to the tariff policy, particularly in Pennsylvania. He well remembered the *quo animo* with which the bill was carried through. As originally reported the bill was to have gone into operation on the 15th of May. Its passage having been protracted, its operation was postponed to the 30th of June, excepting the first section which was fixed on the 30th of September. An attempt was made to fix the operation of the other sections to that period, which failed. The sense of the Senate was expressly taken upon that question. There was no mistake in fixing the time from which the bill was to operate. He remembered the arguments used on the occasion. It was said in behalf of the manufacturers, that if the operation of the bill was postponed to the 30th of September, the country would be flooded with foreign merchandise at reduced duties. If goods had been ordered they would have the benefit of the increased duties by the enhanced prices. If the gentleman from Rhode Island [Mr. Burges] can satisfy the House that the fall of prices was occasioned by the act, he would then present a case for the equitable consideration of the House. The evidence does not prove this; it shows losses to have occurred from the fluctuations of trade, not to be ascribed to the act, but to the general over-trading of the merchants. Shall we make good, from the public treasury, all losses which merchants may fall into from over-importation? The manufacturers might more properly claim an indemnity for losses occasioned by the repeal of duties. Suppose, instead of a fall of prices, they had been greatly enhanced? This was the professed object of the law. It was either intended to prohibit the importation of foreign manufactures or to increase the prices. If it did neither, we were very idly occupied in passing laws for the protection of manufactures. But had prices risen, ought we to oblige merchants to pay their profits into the treasury? The gentleman from Rhode Island [Mr. Burges] says these importations created so great an excess in the market, that the country purchased their goods at a cheaper rate, and, therefore, the duties should be refunded. When the importers and manufacturers combine in overstocking the market, are we to make good the losses of one or both classes, whenever such an event happens? He hoped such a principle would meet with no countenance.

Mr. DRAYTON said he should vote in favor of the bill, because he believed it to be the duty of the Government to give sufficient notice of the operation of a law increasing the duties, to enable merchants to import merchandise in reference to the law. If this principle was not incorporated into the act originally, it should be so now. There was no reason why iron, which was the subject of the first section of the act of 1828, should be placed on a better footing in this respect than woollens or cottons. If individuals, in the ordinary course of business, and not by ruinous speculations, had suffered losses from the want of the principle being incorporated into the act, he was willing to grant them relief. It was but an act of common justice to place them now where we ought to have originally placed them. The strong part of the argument of the gentleman from Kentucky [Mr. Wickliffe] was, that the importers were not taken by surprise—that the proposition was long pending. But it should be recollected that they could not have foreseen that the act would have gone so soon into operation. Where orders had been given in the ordinary course of business, was there sufficient opportunity given to countermand them? He thought not. On this ground he hoped the bill would pass.

Mr. WILLIAMS said, the merits of the bill, in his view, lay within a small compass. The claim for the relief proposed was founded upon an allegation of mistake. That allegation had been fully refuted by the gentleman from Kentucky, [Mr. Wickliffe,] whose statements were supported by the journals. Had there been no evidence whatever on that point, he should have regarded it as immaterial. There could be no evidence recurred against the terms of the law itself. It had been said that we were bound in justice to refund the duties because the price of merchandise fell. What was the occasion of the fall of prices? Was it not the design of the law to augment prices? That certainly was its aim and object. But it seems that prices fell; and was this fall occasioned by the act of the Government? No, the importers themselves occasioned it. Under the act of 1824, the maximum duty was 75 per cent. Under the act of 1828, it was 275 per cent. If the natural effect of the last act had not been obviated, would prices have fallen from its operation? If they had fallen, who had produced the fall? There could be no doubt but it was occasioned by excessive importations. Shall the importers now turn round and ask us to indemnify them from the consequences of their own improvidence? Shall Congress make itself the guardian to protect every body from making improvident contracts? People were generally vigilant enough in the pursuit of their own interests. If a merchant sends out a ship, and happens to import goods which are sold at a loss, he must bear it. If the goods sell at a high profit, he is entitled to enjoy it. Had prices risen, instead of falling, after the act of 1828, could we have required the merchants to bestow their profits either on the Government, or the consumers? The principle of this bill resolves itself into this naked question: Shall we indemnify these importers for their own improvident acts? Before such a question is settled in the affirmative, we should see where it will lead us. A bill has been reported new modelling the duties imposed by the act of 1828, which would, very probably, pass. Suppose the consequence of this bill to be the breaking down of the manufacturing establishments of the Middle and Eastern States, and the sacrifice of a hundred millions of dollars invested in those establishments. Will not these manufacturers, under these circumstances, have a stronger claim upon the public treasury than these importers? If this bill is carried through, the same principle would establish their claim. But the principle is wholly wrong. It is taking charge of the pursuits of private individuals, and becoming sponsor for the success of their speculations. It is, in short, becoming security for every individual in the United States, and would lead to the allowance of all claims which individuals may choose to set up, on the ground of losses occasioned by our legislation. But Government cannot be charged as a wrongdoer. No hostility to private interests can be ascribed to its acts. If injuries result from the operation of laws, they must be incidental, and not designed. All the acts and measures of Government are supposed to be influenced by motives of benevolence—by a single regard to the general welfare. If the bill recently reported for the reduction of duties should pass, it probably will be hard to satisfy the Eastern manufacturers that it is an act of benevolence. Yet they are obliged to be satisfied. They would not be entitled to any indemnity of the Government for the losses to which it might subject them. He would mete out the same measure of justice to merchants and manufacturers.

And the House adjourne.

Tuesday, January 8.

TAXATION AND THE TARIFF.

Mr. BURGES moved the following preamble and resolution, which were read and laid on the table, viz:

Whereas it has been alleged in statements made in this House by members thereof, and elsewhere by others, that the power given to Congress by the constitution, to lay and collect duties by impost, on goods, wares, and merchandise, imported into the United States from foreign countries, has been, and now is, unequally, unjustly, and tyrannically exercised by the majority thereof; that by such injustice and tyranny so exercised, the people in certain States of the Union, called by themselves the Plantation States, are grievously oppressed, and compelled, ruinously to themselves, to pay annually a great amount of money over and above their fair and ratable portion of such duties; that they have alleged also, both within and without these walls, the people of those States have been, and now are, compelled, by the despotic exercise of the power aforesaid, to pay annually a heavy amount of money as duties, imposed on their staple products, cotton, rice, and tobacco, when exported from these States to foreign countries; and that as they have often alleged, moreover, on this floor, and lately have, by public functionaries, in one of those States, proclaimed to the people of that State, and of the United States, that those great sums of money, so unjustly exacted and extorted from them as aforesaid for duties, both on their imports and exports, are, by the despotic exercise of powers usurped by Congress, lavished in bounties given by a tyrannical majority of that Congress to manufacturers in the Northern, and especially in the New England States, and in expenditures on works in those States exclusively for the benefit of the people thereof in the employment of their labor, and in the consumption of their products; so that, by these allegations made, repeated, and proclaimed, in manner as aforesaid, the people of those Plantation States may be misinformed and in error, as well concerning the amount of duties paid by others (the people of these United States) in other States of this Union, as concerning the amount of such duties paid by themselves on foreign merchandise imported into these States, and the payment thereof on their great staples, cotton, rice, and tobacco, when exported to foreign countries; and concerning the disposition of public money, made as aforesaid alleged, in bounties or public works by Congress; and being so misinformed and in error, are liable to be dissatisfied, disturbed, and agitated, and the prosperity of themselves and of the nation may be thereby interrupted; and, moreover, because it is now proposed to this House to depart in legislation from the great policy adopted by the Congress of the United States on the 4th of July, A. D. 1789, nor hereafter to lay duties on goods, wares, and merchandise, imported into the United States, for the encouragement and protection of manufactures, therein and no longer, by such duties, to regulate commerce with foreign nations, as that any effect of such regulations may either encourage or protect the same, or any other of the great sources of domestic production, whether the same be agricultural, mechanic, or manufacturing; but, from and after this time, to lay all duties on imports from foreign countries for the purpose of revenue only, as assessments of taxes on the people, and solely to satisfy the wants of Government, and therein to make such a "readjustment of the rates of impost as may distribute and equalise among all the people those burdens which may be found to fall unequally upon any of them," and because it is utterly impracticable to make such re-adjustment, and so to equalise duties on all imports among all, by any form of law, until Congress shall first know what quantities and kinds of foreign goods, wares, and merchandise, have been, and now are, by the course of trade, the habits, the usages, and the wants of the people in each State, imported and consumed in the same: therefore, for the purpose of acquiring the best information which may be had on all these great national questions, as well for the use of the members of this House, as for the satisfaction of their constituents, the people of these United States, and to the intent that all errors may be corrected in the premises, and the effects of all such errors avoided in all future legislation therein:

Resolved, That a committee of twenty-four members of this House, one from each State, be appointed by ballot, to examine into and report to this House concerning the following matters and things; and in the following manner, that is to say:

I. It shall be the duty of said committee to inquire into, and report to this House the amount of money paid by the people of each State to the United States, viz:

1st. On all goods, wares, and merchandise imported into said State from foreign countries.

2d. The amount so paid on all goods, wares, and merchandise, the growth, produce, or manufacture of such State, exported therefrom to foreign countries.

3d. On all tonnage of ships or vessels owned therein.

4th. The amount of hospital money paid by the seamen thereof into the marine hospital fund, and the number of seamen belonging to each State respectively.

5th. The amount of postage paid in each State.

6th. The amount paid as aforesaid in each State on spirits distilled therein.

7th. The amount received by the people of each State from the United States, for drawbacks, for debentures, for vessels employed in the fisheries, for bounties on manufactures, and of what kinds; the amount expended by the United States in each State on public works, and their several kinds; for transporting the mail, and for supporting the military establishment therein.

II. Said committee shall inquire into and report the amount of goods, wares, and merchandise exported from each State:

1st. Of the growth, produce, and manufactures of foreign countries; and,

2d. Of each other State in this Union.

3d. The amount of duty payable thereon in each State, the number of people therein at each census, and the average amount payable by each person.

4th. And it shall further be the duty of said commitee to inquire into and report the amount and value of production, so far as may be done in each State, of sugar, cotton, rice, tobacco, bread-stuffs, provisions, salt, distilled spirits, silk, wool, fish, oil, peltry, lumber, manufactures, of what and of each kind, with the market price of each.

5th. It shall also be the duty of said committee to inquire into and report the current price of products of like kind and quality as those last aforesaid, both in France and England, together with the cost and charges, and the amount of duties or bounties on exportation or importation thereof, either into or from those countries.

6th. *And it is further resolved,* That said committee have power to call on all accounting officers in the service of the United States for copies and abstracts of all such books and papers in their possession as may, in their opinion, aid them in such examination and report; to examine, under oath, all persons who may, for that purpose, appear before them, and to send interrogations to all such persons as may, in their opinion, give them information in the premises; which interrogations it shall be the duty of such persons to answer, in writing, according to the best of their knowledge and belief, and to make oath thereunto before some magistrate competent to administer the same.

7th. It shall be the duty of said committee, in their report, to state, in tabular form, all the particulars aforesaid: 1st. in relation to each State in this Union; 2d. to report, in like form, first, the whole amount of all those States which allege that the people thereof are required by law to pay, and have paid, more than their ratable portion of the public revenue, to wit, South Carolina, Georgia, Alabama, Mississippi, Tennessee, North Carolina, and Virginia; and, 2d, to state the whole amount of those particulars in respect to all the other States; and to make these statements in such form, with such distinctness and accuracy of arrangement of the facts, found by their inquiries as aforesaid, and not otherwise, as that all who desire it may see and read the truth, whereby the allegations aforesaid may be refuted or confirmed, and this House be aided by a competent knowledge of the facts necessary to be known in all the future action thereof concerning the laws of these United States, regulating the commerce, the revenue, and the taxes of the American people.

On motion of Mr. B., the preamble and resolution were ordered to lie on the table, and be printed.

Mr. WILDE asked of the Chair whether it would be in order to exclude from the motion to print the preamble of the resolutions?

The CHAIR replied in the negative.

TRIBUNAL FOR CLAIMS.

Mr. HOGAN moved the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire and report on the expediency of establishing a judicial tribunal, which shall take cognizance of all claims and demands of individuals on the Government of the United States, and decide on the validity thereof, in accordance with the principles of equity and law, and establish rules of evidence.

Mr. H. accompanied his motion by some remarks on the great number of private bills on the calendar of the House; the consumption of time annually occasioned by discussing them, and the small degree of attention usually bestowed by a vast majority of the House on their discussion. He stated, as his opinion, that private individual claims for more than a million of dollars, might be substantiated against the United States, were it allowable to sue the national sovereign; but, since this could not be allowed, they must be settled by Congress, and the expense of so doing would not amount to less than three millions of dollars. The resolution was agreed to.

REDUCTION OF THE TARIFF.

On motion of Mr. VERPLANCK, the intervening orders were postponed, and the House went into Committee of the Whole, Mr. WAYNE in the Chair, and, by a vote of 94 to 78, took up the bill "to reduce and otherwise alter the duties on imports." The following is the bill as reported by the Committee of Ways and Means:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the third day of March, in the year of our Lord one thousand eight hundred and thirty-three, there shall be levied, collected, and paid, on goods, wares, and merchandise imported into the United States, in place of the duties heretofore laid by law, the several duties hereinafter mentioned, for, during, and until the several respective periods hereinafter specified, that is to say:

First. On wool manufactured, the value whereof at the place of exportation, shall exceed eight cents the pound, and on woollen and worsted twist and yarn, a duty at and after the rate of thirty-five dollars for every hundred dollars value thereof, until the second day of March, in the year eighteen hundred and thirty-four, inclusive; and thereafter a duty at and after the rate of twenty-five dollars for every hundred dollars value thereof, until the second day of March, eighteen hundred and thirty-five, inclusive; and thereafter a duty at and after the rate of fifteen dollars for every hundred dollars value thereof.

All wool unmanufactured, the value whereof at the place of exportation, shall not exceed eight cents the pound, shall be free of duty from and after the third day of March, eighteen hundred and thirty-three: Provided, that wool imported on the skin shall be estimated as to weight and value as other wool: and, provided, further, that wool mixed with dirt or other material, and they reduced in value to eight cents the pound or under, shall be appraised at such price as, in the opinion of the appraisers, it would have cost had it not been so mixed, and a duty thereon shall be charged in conformity with such appraisement.

Second. On all milled and fulled cloths, known by the name of plains, kerseys, or Kendall cottons, of which wool shall be the only material, the value whereof at the place of exportation, shall not exceed thirty-five cents the square yard; and on all blankets, the value whereof at the place of exportation, shall not exceed seventy-five cents each, a duty at and after the rate of five dollars for every hundred dollars value thereof.

On worsted stuff goods, shawls, bombazines, poplins, tabinets, and all other manufactures of silk and worsted, a duty at and after the rate of ten dollars for every hundred dollars value thereof.

On coach lace, a duty at and after the rate of twenty-five dollars for every hundred dollars value thereof.

Third. On blankets, other than those hereinbefore specified, a duty at and after the rate of twenty-five dollars for every hundred dollars value thereof, until the second day of March, eighteen hundred and thirty-four, inclusive; and thereafter a duty at and after the rate of fifteen dollars for every hundred dollars value thereof.

Fourth. On carpets, carpetings, flannels, bockings, baizes, cloths, kerseymeres, merino shawls, and all other woollen manufactures, or of which wool is a component part, except as herein otherwise provided, and on ready-made clothing, a duty at and after the rate of forty dollars for every hundred dollars value thereof, until the second day of March, eighteen hundred and thirty-four, inclusive; and thereafter a duty at and after the rate of thirty dollars for every hundred dollars value thereof, until the second day of March, eighteen hundred and thirty-five, inclusive; and thereafter a duty at and after the rate of twenty dollars for every hundred dollars value.

Fifth. On woollen and worsted hosiery, mits, gloves, stockinets, and on worsted bindings, a duty at and after the rate of twenty dollars for every hundred dollars value thereof, until the second day of March, eighteen hundred and thirty-four, inclusive; and thereafter a duty at and after the rate of ten dollars for every hundred dollars value thereof.

Sixth. On all manufactures of cotton, costing not more than twenty-five cents the square yard at the place of exportation, a duty at and after the rate of thirty dollars for every hundred dollars value thereof, until the second day of March, eighteen hundred and thirty-four, inclusive; and thereafter a duty at and after the rate of twenty dollars for every hundred dollars value thereof.

On all other manufactures of cotton, or of which cotton and silk, not herein otherwise specified, a duty at and after the rate of twenty-five dollars for every hundred dollars value thereof, until the second day of March, eighteen hundred and thirty-four, inclusive; and thereafter a duty at and after the rate of twenty dollars for every hundred dollars value thereof.

On nankeens imported direct from China, a duty at and after the rate of fifteen dollars on every hundred dollars thereof.

On cotton hosiery, mats, gloves, and stockinets, and on cotton twist, yarn, and thread, a duty at and after the rate of twenty dollars for every hundred dollars value thereof, until the second day of March, 1834, inclusive; and thereafter a duty at and after the rate of ten dollars for every hundred dollars value thereof.

Seventh. On iron bars or bolts, not manufactured in whole or in part by rolling, a duty at and after the rate of eighteen dollars the ton, until the second day of March, 1834, inclusive; and thereafter a duty at and after the rate of fifteen dollars the ton.

On bar and bolt iron, made wholly or in part by rolling, a duty at and after the rate of thirty dollars the ton, until the second day of March, 1834, inclusive; and thereafter a duty of twenty-four dollars the ton: *Provided*, that all iron in slabs, blooms, or other forms less finished than iron in bars or bolts, and more advanced than pig iron, except castings, shall be rated as iron in bars and bolts, and pay duty accordingly. All scrap and old iron shall pay a duty of twelve dollars and fifty cents the ton. Nothing shall be deemed old iron that has not been in actual use, and fit only to be unmanufactured; and all pieces of iron, except old, of more than six inches in length, or of sufficient length to be made into spikes and bolts, shall be rated as bar, bolt, rod, or hoop iron, as the case may be, and pay duty accordingly; all manufactures of iron partly finished, shall pay the same rates of duty as if entirely finished; all vessels of cast-iron, and all castings of iron, with handles, rings, hoops, or other addition of wrought iron, shall pay the same rates of duty as if made entirely of cast-iron.

Eighth. On iron in pigs, a duty at and after the rate of fifty cents per every hundred and twelve pounds weight, until the second day of March, 1834, inclusive; and thereafter a duty at and after the rate of forty cents for every hundred and twelve pounds weight; on cast-iron vessels, and all other castings of iron, a duty at and after the rate of one cent. the pound.

Ninth. On steel, a duty at and after the rate of one dollar and fifty cents for every hundred and twelve pounds weight, until the second day of March, 1834, inclusive; and thereafter a duty of one dollar for every hundred and twelve pounds weight.

Tenth. On manufactures of iron and of steel, not herein enumerated, there shall be levied, collected, and paid, the several rates of duty provided by existing laws, until the 2d day of March, 1834, inclusive; and thereafter the lowest rate of duty which would have been payable on the same, either under the act of the 27th of April, 1816, entitled "An act to regulate the duties on imports and tonnage;" or by virtue of the act of the 14th of July, 1832, entitled "An act to alter and annul the several acts imposing duties on imports."

Eleventh. On hemp, a duty at and after the rate of thirty-five dollars the ton, until the second day of March, 1834, inclusive; and thereafter a duty at and after the rate of thirty dollars the ton.

Twelfth. On cordage tarred, a duty at and after the rate of four cents the pound, until the second day of March, 1834, inclusive; and thereafter a duty at and after the rate of two cents the pound.

On cordage untarred, and on yarn, twine, and packthread, a duty at and after the rate of five cents the pound, until the second day of March, 1834, inclusive; and thereafter a duty at and after the rate of three cents the pound.

Thirteenth. On cotton bagging, a duty at and after the rate of fifteen dollars for every hundred dollars value thereof.

Fourteenth. On all manufactures of hemp or of flax, not herein enumerated, a duty at and after the rate of fifteen dollars for every hundred dollars value thereof.

Fifteenth. On spirits from grain, a duty at and after the following rates, to wit: on first proof, a duty of twenty cents per gallon; of second proof, of twenty three cents the gallon; of third proof, of twenty-six cents the gallon; of fourth proof, of thirty cents the gallon; of fifth proof, of thirty four cents the gallon; and over fifth proof, of forty cents the gallon. On spirits from all other materials than grain, a duty at and after the following rates, to wit: of first and second proof, of eighteen cents the gallon; of third proof, of twenty-one cents the gallon; of fourth proof, of twenty-six cents the gallon; of fifth proof, of thirty cents the gallon; and over fifth proof, of thirty-six cents the gallon.

Sixteenth. On salt, a duty at and after the rate of eight cents the bushel, until the second day of March, 1834, inclusive; and thereafter a duty at and after the rate of five cents the bushel.

Seventeenth. On olive oil in casks, a duty at and after the rate of fifteen cents the gallon, until the second day of March, 1834, inclusive; and thereafter a duty at and after the rate of ten cents the gallon.

Eighteenth. On brown sugar, and on syrup of sugar cane in casks, a duty at and after the rate of two and a half cents the pound, until the 2d day of March, 1834, inclusive; and thereafter a duty at and after the rate of two cents the pound. On white clayed-sugar, a duty at and after the rate of three cents the pound, until the 2d day of March, 1834, inclusive; and thereafter a duty at and after the rate of two and a half cents the pound. On sugar-candy, and other refined sugar, a duty at and after the rate of ten cents the pound.

Nineteenth. On molasses, a duty at and after the rate of four cents the gallon.

Twentieth. On coffee, a duty at and after the rate of one cent the pound.

Twenty-first. On teas, from and after the 3d day of March, 1834, a duty at and after the rates following, to wit: on imperial, gunpowder, and gama, hyson, and young hyson, ten cents the pound. On hyson skin and other green, souchong and other black, except bohea, six cents the pound, and on bohea three cents the pound.

Twenty-second. On all manufactures of silk, or of which silk shall be a component part, coming from beyond the Cape of Good Hope, a duty at and after the rate of twenty dollars for every hundred dollars value thereof; and on all other manufactures of silk, or of which silk is a component part, a duty at and after the rate of twelve dollars and fifty cents for every hundred dollars value thereof.

Twenty-third. On all printed books, in other languages than Latin, Greek, or English, whether bound, or unbound, if printed less than thirty years before the time of their importation, a duty at and after the rate of four cents the volume.

On all printed books in Latin and Greek, if printed less than thirty years before the time of their importation, a duty at and after the rate of twelve and a half cents the pound weight, when bound; and when unbound, a duty at and after the rate of ten cents the pound weight.

On all other printed books, printed less than thirty years before the date of their importation, when bound, a duty at and after the rate of twenty-five cents the pound weight; and when unbound, a duty at and after the rate of twenty cents the pound weight.

Sec. 2. *And be it further enacted,* That, in addition to the several articles made free of duty by the act of the 14th of July, 1832, the following articles shall be admitted free of duty from and after the 3d of March, 1833; that is to say, cotton, wool, indigo, and printed books, in whatever language, printed thirty years before the date of their importation.

Twenty-fourth. On all articles, not herein enumerated, there shall be levied, collected, and paid, the lowest rate of duty, calculated upon the value of the article, which would have been payable on the same, either under the act of the 27th of April, 1816, entitled "An act to regulate the duties on imports and tonnage," or by virtue of the act of the 14th of July, 1832, entitled "An act to alter and amend the several acts imposing duties on imports." Such rate of duty being calculated upon the value of the article at the place whence imported, estimated according to the provisions of this act.

Sec. 3. *And be it further enacted,* That so much of the fifth section of the act of the 14th of July, 1832, entitled "An act to alter and amend the several acts imposing duties on imports," as repeals the existing laws, requiring teas, when imported in vessels of the United States from places beyond the Cape of Good Hope, to be weighed, marked, and certified, be, and the same is hereby repealed. And the residue of the said section, and the whole of the sixth, seventh, eighth, ninth, tenth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, and seventeenth sections of the said act of the 14th of July, 1832, be, and the same are, discontinued, in the same manner as if they had been inserted in, and re-enacted by this act.

Sec. 4. *And be it further enacted,* That the several laws heretofore existing, shall extend to, and be in force for the collection and remission of all duties imposed by this act, and for the prosecution and punishment of all officers, the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures, and for the allowance of all drawbacks heretofore and hereby authorized, as fully and effectually as if every regulation, restriction, prohibition, offence, fine, penalty, forfeiture, allowance, drawback, provision, clause, matter, and thing, power, duty, and authority, in the several heretofore existing laws contained, had been inserted in, re-enacted, and made applicable to this act.

Sec. 5. *And be it further enacted,* That all acts and parts of acts repugnant to, or inconsistent with, the provisions hereof, shall be, and the same are hereby repealed: *Provided always,* That all laws heretofore existing, shall, nevertheless, continue in full force, so far forth only as the same may be necessary for the prosecution and punishment of all offences which have been or shall be committed contrary thereto, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, which have been or shall be incurred under the operation thereof, and for the allowance of all drawbacks authorized, accruing, or hereafter to accrue under, or by virtue of the said laws, or any of them, in as full and ample a manner as if the same were not hereby repealed.

On motion of Mr. VERPLANCK, the bill was committed to a Committee of the Whole House on the state of the Union.

Mr. VERPLANCK said that he rose to invite the attention of the committee to the examination of the details of the bill now before them, and for that purpose only. It was true, that this was a bill which might serve as an occasion for expatiating upon topics that always awakened much interest. The great question of constitutional right might be argued. The question of the incidence or bearing of taxation, together with other not less important theories of political economy, might be now discussed. But, for myself, I feel that after the years during which Congress, and public men elsewhere, as well as the press, have discussed these points, and especially after the ample discussion which has taken place during the present Congress, it would be presumption for me to think that I could now contribute any new general views that would enlighten the House or the nation. In making these remarks, I speak not only my own unfeigned opinion, but, as I am fully authorized, that of those of my colleagues on the Committee of Ways and Means, who have joined with me in reporting this bill.

As members of this House, we have some of us, on this floor, and all of us in some way or other, made known our views to our constituents. The people have the whole of the general argument before them. It is now to a more practical and urgent duty that I would invite the attention of this body. It is one growing out of the financial state of our Government, and its legislation.

The last war left the nation laboring under a weight of public debt. The payment of that war debt was one of the great objects of the arrangement of our revenue system at the peace, and it was never lost sight of in any subsequent arrangement of our tariff system. Since 1815 we have annually derived a revenue from several sources, but by far the largest part from duties on imports, of sometimes twenty, sometimes twenty-five, and recently thirty two, and thirty-three millions of dollars a year.

Of this sum 10,000,000 dollars always, but, of late, a much larger proportion, has been devoted to the payment of the interest and principal of the public debt. At last that debt has been extinguished. The manner in which those burdens were distributed under former laws, have been, heretofore, a subject of complaint and remonstrance. I do not propose to inquire into the wisdom or justice of those laws. The debt has been extinguished by them; let us be grateful for the past. We are now to enter upon another, an honorable and gratifying duty, the reduction of the taxes of the people—the alleviation of the public burdens.

Here Mr. V. gave a brief view of the financial history of our Government since the peace of 1815, in which he stated that, during the last six years, an annual average income of 27,000,000 of dollars had been received; the far greater part from the customs. That this sum had been appropriated, the one-half towards the necessary expenses of the Government, and the other half in the payment of the public debt. In reviewing the regular calls upon the treasury, during the last seven years, for the civil, naval, and military departments of the Government, including all ordinary contingencies, about

13,000,000 of dollars a year had been expended. This amount of 13,000,000 of dollars would seem, even now, sufficient to cover the standing necessary expenses of Government. A long delayed debt of public justice, for he would not call it bounty, to the soldiers of the revolution, had added for the present, since it could be but for a few years only, an additional annual million. Fourteen millions of dollars then covered the necessary expenditures of our Government. But, however rigid and economical we ought to be in actual expenditures, in providing the sources of the revenue, which might be called upon for unforseen contingencies, it was wise to arrange it on a liberal scale. This would be done by allowing an additional million, which would cover, not only extra expenses in time of peace, but meet those of Indian warfare, if such should arise, as well as those of increased naval expenditure, from temporary collisions with foreign powers, short of permanent warfare. We are not, therefore, justifiable, in raising more than 15,000,000 dollars as a permanent revenue. In other words, at least 13,000,000 dollars of the revenue that would have been collected under the tariff system of 1828, may now be dispensed with; and, in years of great importation, a much larger sum. The act of last summer removed a large portion of this excess; yet taking the importation of the last year, as a standard, the revenues derived from that source, if calculated according to the act of 1832, would produce 19,500,000, and with the other sources of revenue, an income of 22,000,000 dollars. This is, at least, seven millions above the wants of the treasury.

It was this excess of public burdens which the Committee of Ways and Means have felt it to be their duty now to call upon Congress to reduce. The task of regulating the rate and manner of that reduction was neither easy nor enviable. We all must know that large sections of the country throughout, as well as various classes of the community in every section of the country, have complained, or remonstrated against the unequal operation of the public burdens. It is certain, too, that, under any plan of finance whatsoever, of long duration, various interests must grow up, which cannot but be subject to great injury, from a change even for a better, and less onerous system.

The committee have felt all these difficulties. They have approached the subject, not with rashness or presumption, but with humility. They have endeavored to profit by the lights of long experience, and of former legislation. Whatever may be the defects of their bill, they confidently claim for themselves the merit of honest and sincere intention. They trust that no local or personal interests, and certainly no views or feelings of party politics, have been suffered to influence them. They have desired and endeavored to conduct the deliberations of their committee-room in the spirit of justice, conciliation, and of peace; and it is in this spirit that they now invite this body to the examination of the bill before them.

Mr. V. having concluded—

Mr. HUNTINGTON observed that it seemed to be settled that the House was now to enter on the tariff bill; but as many gentlemen had not expected that the discussion would have been pressed before Monday next, and consequently had not examined the bill as reported, with as much minuteness as they otherwise should have done, he moved that the committee now rise.

The motion prevailed: Ayes 90; and the House adjourned.

Wednesday, January 9.

REDUCTION OF THE TARIFF.

The House having again gone into Committee of the Whole, and resumed the consideration of the bill to reduce and otherwise alter the duties on imports:

Mr. HUNTINGTON, of Connecticut, who had yesterday moved for the rising of the committee, rose and said that he would take the present opportunity to express to the committee the gratitude he felt for their kindness in having, on his motion, risen when this subject was under consideration yesterday, and, as the most suitable return, he should endeavor to condense, as far as was in his power, the remarks he had to make on the general principles of the bill before them. He had neither the disposition, nor, at this time, the physical strength to examine it in all its details. Nor did he think, indeed, that after the repeated discussions which the tariff had undergone in that hall, as well in respect to the constitutionality as the expediency of that system of policy which it was the object of this bill to annihilate, that the subject was one on which it would be useful to consume much of the time of the committee. He should content himself with presenting some general views, in doing which he should endeavor to be as concise as the importance of the subject would admit.

That the bill now under consideration was one of great interest to no inconsiderable portion of the community, and was intimately connected with the vital interests of the country at large, was not, he believed, denied by any one. When he left the State of his nativity to resume the discharge of his duties here, he had left his constituents engaged in preparing to meet the exigencies of the tariff bill of the last session, and so to arrange their business that it might not be utterly destroyed by the operation of that bill. He had left them pursuing their respective occupations of honest and meritorious industry, without the slighest intimation from any quarter that, at the short session of Congress, (and especially after the full and mature deliberation upon which, at the last session, a bill had been passed materially changing the previous rates of duty,) and, within one month after the opening of that short session, a new bill would be reported, so essentially altering the provisions of that which had just passed, and which had not yet gone into operation. Yet it had not only been reported, but was already pressed upon the House with an urgency wholly unprecedented.

Should the bill pass, he should have to return to those whom he represented, and tell them that they must now accommodate themselves, not to a bill that would admit of their struggling, though with difficulty, to preserve the establishments of their industry, but to a bill, by which the arm of that industry must be utterly paralysed; that they must pursue, if they could, indeed, find them, new objects and new employments; that the value of their labor was to be reduced to a trifle; and that so long as the bill continued in force, they must make up their minds to become hewers of wood, and drawers of water to foreigners who had no interest in our Government. Viewing this bill as wholly subversive of the interests, both of his own constituents and of the country at large, he should be faithless to his trust, and recreant to his duty, did he not, as far as he could, repay the generous confidence of those who sent him here, by endeavoring to arrest its progress. He hoped to treat those who differed from him in their views of the proposed measure, (for whom he cherished no feelings but those of regard and kindness,) with the respect due to them as men, and as members of this House, but with that freedom which became one who deeply felt the importance of upholding the interests which it was now proposed to sacrifice.

He was by no means unmindful of the embarrassments under which he presented himself before the committee, of the difficulties intrinsic to the subject, and extrinsic too, and which would demand from him a passing notice. He did not shut his eyes to the fact that the Chief Magistrate of the Union, in his message to Congress at the opening of the present session, had told them that "the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war." That "there must be a proper adaptation of the revenue to the expenditure; and the expenditure be limited to what, by an economical administration, shall be consistent with the simplicity of the Government, and necessary to an efficient public service."

Mr. H. said he was not unmindful of the value, the weight, the importance, and, he would add, the effect of executive recommendations. These same principles had also received the sanction of the gentleman who presided over the Treasury Department—an officer who was supposed to know best the operation of the existing system, as well as of the adoption of a new one. Mr. H. was not unmindful of the effect of his recommendation. He had read, also, the report of the chairman of the Committee of Ways and Means, in which it was stated, as reasons, why the legislation of Congress ought to be directed, at this session, to a modification of the tariff; that the period had arrived when the public debt was substantially extinguished; that a new term of Presidential service was about to commence; and that these considerations marked this as a fit season for permanent fiscal regulations. That report declared that the object of this bill was to relieve the people from unnecessary taxation, and to remove from them a needless burden; which, while it was injurious in its effects, enriched the treasury, only to divide and distract our public councils, in relation to its expenditure. Nor could he shut his eyes to another fact to which the honorable member from New York [Mr. VERPLANCK] had, in faint terms, alluded; and to which he should take the liberty to allude. He was not unaware that there were certain portions of our country in which a protecting tariff was considered unconstitutional, inexpedient, and oppressive; and, more than this, that one of the States of this Union had plainly told the country that the existing law should not be executed within her limits, and that, if an attempt should be made to enforce it, the result should be, her secession from the Union. No, he was not unaware of all these considerations; he had examined them attentively; but they formed only one side of the picture. There was another side to which he would direct the attention of the committee. When he looked around upon the condition of this country, and beheld it possessing an elevated character, abundant wealth, and overflowing prosperity; and when he read in the Executive message that this was a subject of heartfelt thanksgiving to the Great Author of all blessings—and remembered, at the same time, that all this unparalleled natural happiness had grown up under the very system which it was the object of this bill to destroy—he looked to the same enlightened patriotism which had reared up this system, and appealed to it for its preservation; nor would it, he was confident, be invoked in vain. Those who represented the interests thus protected, would be sustained by their constituents in their efforts for its continuance. Thus, while there were embarrassments of no ordinary character to be encountered in meeting this subject, some of which presented themselves whenever the tariff was proposed to be changed, there were circumstances which still induced the hope, that the industry of our citizens would be saved from destruction, and our country rendered independent of foreign Governments, for its support and sustenance not only, but for its prosperity and its wealth.

The honorable member from New York, who introduced the bill, made a few general remarks, combined the principles which formed the basis of the bill, without going into any minuteness of detail, or entering on the general question of the policy of the protective system. It was Mr. H.'s purpose also to confine himself to remarks of a general character. In his passing remarks, the honorable member had paid one compliment to the system, and one only—"it had paid the national debt." And, while he held in his hand a bill to consign that very system which had done this, to the tomb of the Capulets, he had, in anticipation, written upon its monument this simple inscription: "gratitude for the past." Mr. H. thanked him for that. But there was another hand which would write upon the different side of the same monument another inscription: "Plighted national faith violated"—"Death by parricide."

A few general principles would embrace the whole subject, and he should endeavor to compress his remarks within them.

The Committee of Ways and Means had presented this bill, as containing provisions to insure the revenue from the customs, which, with that from other sources, would be sufficient for the wants of an economical, but efficient Government. The principle which formed the basis of the bill was that the Government would require but fifteen millions of dollars for its annual expenditure; of which twelve millions and a half were to be raised from the customs, and two millions and a half from the public lands. It had been stated by the committee, in their report, that they considered it their duty to present to the House a bill which should be gradual in its operation on the existing establishments of the country. In this respect the committee had expressed the same sentiments which were contained in the Executive message, and in the report from the Treasury Department. The report uses the following language: "It has been the wish of the committee to guard against a sudden fluctuation of the price of goods, whether in the hands of the merchant, the retailer, or the manufacturer. With this view, they have made the reduction upon the more important protected articles, gradual and progressive."

The President, in alluding to the subject, says: "If, upon the investigation it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest, is greater than is indispensably requisite," (for the objects previously specified,) "I recommend that it be gradually diminished, and that, as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard, as soon as a just regard to the faith of the Government, and to the preservation of the large capital invested in establishments of domestic industry, will permit." "Large interests have grown up, under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon." The Secretary of the Treasury, in recommending a reduction of the revenue, says: "The necessity of adopting the proposed changes to the safety of existing establishments, raised up under the auspices of past legislation, and deeply involving the interests of large portions of the Union, is not less imperious in the further changes which may be deemed expedient."

Such had been the sentiments always avowed by those who believed that the protective system ought to be abandoned. But how does the bill correspond with these opinions and views thus expressed? Was that a gradual reduction of the protected duties, which annihilated the whole in two years? Was this the "gradual diminution" of which the President and the Secretary of the Treasury had spoken? Did the Committee of Ways and Means really suppose that within two years the industry of this country could adapt itself to the provisions of such a bill as that now reported? Did not every man, at all conversant with the practical operation of the existing system, know that to call this a gradual reduction, was a perversion of the terms?

Was two years a period in which the industry of the country could change its entire direction, and resort to new channels? or in which the people could resort to new and untried employments for their livelihood? No, for almost all beneficial purposes connected with the protection of interests, which had grown up under the faith of the legislation of Congress, a delay of two years would be no better than the immediate operation of the bill on the whole amount of duties proposed to be reduced, sweeping them away at a blow. He would tell the committee all the good that such a delay would occasion: it allowed those who had on hand extensive stocks time to put that stock into a manufactured form for sale. But as to those who were the real working men of the country, the bill operated to throw them completely out of employment, without time to prepare themselves for such a radical change. He repeated the position (and he did so with all respect for the committee who had introduced the bill) that, to profess the principle of gradual reduction, and, at the same time to cut down the whole protective system within two years, was nothing but mockery. Such a bill was substantially no better than an instantaneous abolition of the whole amount of protective duties; and this was one feature of the bill which rendered it so peculiarly obnoxious to those whose interests he more immediately represented on that floor.

But, whether gradual in its operation or not, whether immediate or more remote, whether carrying out the recommendations of those opposed to the whole system or not, it was reported as a bill calculated to bring down the revenue of the country so as "to meet the exigencies of an economical but efficient administration."

The general views Mr. H. entertained of the provisions of the bill might be comprised in the answers to these general inquiries.

Will this bill reduce the revenue?

If it will, is it expedient to do so?

If it be expedient, is this the best mode of doing it?

And, if so, is the present the proper time to do it?

To each of these inquiries he should devote some attention.

The chairman of the Committee of Ways and Means, in estimating the effect of the bill upon the revenue, had taken as the basis of his calculations, the actual imports of the year 1831; and he supposes that the amount of goods imported during that year, will not exceed the average of future years under the operation of a tariff such as that proposed by this bill. On this hypothesis he had concluded that the effect of the bill would be to reduce the revenue six millions of dollars, thereby leaving the actual amount, from the customs and other sources, at fifteen millions. If the Committee of Ways and Means possessed the foresight to discover with certainty what would be the practical effect of such a bill upon the revenue, they possessed more sagacity by far than he did, or, as he believed, than any other person. The country had, as yet, had but a very partial experience of the effect of reduction of duties upon the revenue. But such experience as had been attained, taught the House this lesson, that the first effect would be, to ruin the revenue by the influx of foreign goods. This increase would, in the natural course of things, continue until the pauperism of the country was such, that its citizens could no longer, for want of means, purchase the fabrics imported; and then the revenue would be so much diminished, that a resort must be had either to a renewal of the system now proposed to be abandoned, or to some other measures, in order to replenish an exhausted treasury.

The bill passed at the last session was, as yet, an untried experiment; the signature of the Speaker of this House was, as yet, hardly dry to a bill, the professed object of which was to reduce the revenue. Different opinions existed as to its probable effects; many believed it would greatly increase the revenue—it was to be tried as an experiment. But now, while that law remained on the statute book as yet inoperative, it was proposed to substitute a bill, the effect of which on the revenue would be vastly greater. Mr. H would not say that that effect would certainly be to increase the revenue; nor could say that with perfect confidence: but he thought it would be well for the House at least to wait and see what the effect would be of the bill already passed. There was one fact which they might look at, by way of illustration: Congress had, therefore, reduced the duties upon molasses, coffee, and salt. No other articles could possibly have been selected so proper for a favorable experiment in the reduction of the revenue as these. The experience of the country had, to be sure, been, as yet, but short; but what had the result already been? If gentlemen would look at the tables furnished by the treasury, they would find that in 1830, when the duty on molasses was principally collected on that article at ten cents per gallon, though on a part it was collected on a duty of five cents, the amount imported was little more than 9,800,000 gallons; yet in 1831, when the duty was five cents, the importation had risen to upwards of 15,400,000 gallons, being an excess in this single article of molasses, of more than 5,000,000 of gallons. If the committee would look to the same tables, they would find a great increase in the importation of coffee. In 1830 the duty on this article was, for the most part, five cents per pound, and the quantity imported was little more than 38,000,000 of pounds. But in 1831, when the duty was principally two cents a pound, the quantity imported had risen to 79,000,000, being a difference of more than 40,000,000 of pounds. He would ask the committee whether there were not circumstances which would lead to the conclusion, that the bill before them would, for a time, increase rather than reduce the revenue? What would be the effect of a reduction of the duties on those who supplied the market from abroad? Would they not pour their goods into this market? Would not that be the natural, the certain effect, in relation to the surplus stocks held by European manufacturers? Would there be no motive operating upon those who were at all times desirous of breaking down the manufacturing establishments of this country to flood our markets expressly with that view? And if the policy of the present bill should be adopted, could it fail of being perceived, that it would be used as a means, by foreigners, to hasten, if possible, the period of the destruction of our own manufactures? Mr. H. said he had been informed by a very intelligent American who had recently returned from Europe, that it was perfectly well understood that arrangements were making throughout the manufacturing districts of England, to export to this country vast quantities of their manufactured goods, to avail themselves of the benefits of the bill of last year. What will they not do should the present bill pass? He would ask the committee to look back for a few years, for it was well, very well, occasionally to do so, and learn lessons from experience. What had been our imports in 1815? They had risen to more than one hundred and thirty millions of dollars; although our exports during that year amounted to a little more than fifty millions. In 1816 the receipts from the customs had been about sixty-two millions; and how long did this state of things continue? Just long enough so to impoverish the country as to reduce the revenue from the customs to fourteen millions in 1820 and 1821. Just long enough to bring down the rates of exchange to about 101, and to sink greatly in value lands and the products of agricultural labor. There were gentlemen present who well remembered those periods of our history, and who, he hoped, would take warning from the lessons which were then taught us. He would not undertake to say how long our foreign importations would be increased, should the present bill pass. But he would say this, that the increase would probably continue until the time should arrive when the resources of the people would be cut off, their establishments broken down, and they rendered unable to purchase longer from the workshops of Europe; when the revenue would be so much reduced that Congress would have to cast about for the means to replenish their empty treasury, to meet demands upon it which were honorably and justly due. But Mr. H. said he would now pass from this topic, submitting to the committee this question—whether, from the experience of the past and the probabilities of the future, it were wise to adopt a bill purposely framed, by a reduction of duties, to reduce the revenue, when there were so many reasons to believe that the revenue, for a time, will be increased, until eventually it will be greatly reduced by reason of the poverty of the people, depriving them of the power any longer to purchase? And in connexion with this part of the subject, he would remind the committee that the chairman of the Committee of Ways and Means had told the House that the system proposed by this bill was intended to be a permanent system; that it was brought forward now, that all engaged in commercial, manufacturing, or agricultural enterprises, affected by a change of duties, might know what was the policy and intention of the Government, in relation to their interests, and by which they might regulate their operations in future. But suppose the bill should actually result in an increase of the revenue. Were they then to be told that the rates of duty must be brought down still lower? Must we tell our constituents that the majority who passed this bill (if, indeed, it should pass) thought it would reduce the revenue, but if it should not, the duties on protected articles must be still farther reduced; and they must prepare for yet another change in the financial system of the country, predicated on such a reduction?

Mr. H. averred that he would never tell his constituents any such thing by his votes in that House; and he hoped it would not be necessary so to speak to them in consequence of the passage of this bill by the votes of others. If, however, it should be admitted that the professed object of the bill would be answered, and that the revenue would be reduced six millions of dollars, the next question which presented itself, and which required an answer was, whether it was expedient, at this time, by destroying the protection afforded to the labor and industry of our citizens, to reduce the revenue to the amount of twelve and a half millions from the customs?

Mr. H. granted that this question of expediency must depend on what ought to be considered the proper expenditures of the Government. The Committee of Ways and Means supposed that these expenditures should not exceed fifteen millions of dollars; and this amount they proposed to raise, by drawing twelve and a half millions from the customs, and two and a half millions from the public lands; and the bill was predicated on the supposition that two and a half millions were to be derived from the public lands as a permanent source of revenue. Now, Mr. H. put it to every Representative of the people in that House to say whether he believed that the public domain could continue to be a source of revenue for many years? Were not the signs of the times such as plainly to warn every man that no safe calculation could be formed on such a result? It was perfectly well known that, in some quarters of the Union, the public lands were considered as the rightful property of the States within which they were situate; and, in the same section of the country, if this opinion did not prevail, it was still supposed that the price of them ought to be greatly reduced. But more than this: the Chief Magistrate had told the nation that it seemed to him to be our true policy that those lands should cease, as soon as practicable, to be a source of revenue, and be sold to settlers at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts; and that, in convenient time, the right of soil, and the future disposition of it, be surrendered to the States respectively in which it lies. And Mr. H. was not unmindful of the influence of Executive opinions. It was also to be remembered that, as probably a great majority of the people of the country considered the public domain to be the property of all the States, they might deem it proper to make an equitable apportionment of the proceeds of the sales of the public lands among the several States, instead of having them paid into the treasury. In whatever aspect the subject was viewed, no one could be so blind as not to see that a permanent system of revenue, based upon the public lands, must prove in practice entirely fallacious.

If, then, they should strike off these two and a half millions proposed to be derived from the public lands, the amount of duties from the customs must be proportionably increased. The committee had also estimated but $1,000,000 to meet the demands arising out of the act of the last session extending the system of revolutionary pensions. Mr. H. submitted that this estimate was much below the amount which would be required for this purpose. Let gentlemen go to the pension bureau, and there inquire into the number of applications which had already been presented for the benefits of the law of the last session, and they would find how high the numbers were rising. He did not say, far be it from him ever to say, that the provisions of that law were extravagant, or in any wise censurable. He supported and voted for that law with the highest satisfaction. He cared not how much it might cost the country to do what the gentleman from New York had, with great truth, denominated an act of justice to our revolutionary officers and soldiers. He spoke of the subject only in reference to its bearing upon the bill now under consideration.

The Committee of Ways and Means had not told the House what items of expenditure would be necessary to constitute an economical, yet efficient administration of the Government. The administration was to be economical, but it was also to be "efficient." The term efficient was one liable to much latitude of construction, and would admit of very different interpretations. Was it to be understood that we were to have no internal improvements of a national character provided for, or were we only to make provision for completing such works as were already begun? Was this the meaning affixed by the committee to the phrase "an efficient administration?" Was the Government to complete works, already in progress, and was it then to stop, and make no further appropriations for new surveys or new works?

Had the committee considered the amount of what might be denominated floating claims against the Government which would have eventually, probably very soon, to be met and satisfied? It was known to all who heard him, that several of the States had large claims against the General Government for militia services during the last war, the principle of which was acknowledged to be just, and which had been sanctioned by the legislation of Congress; but the exact amount of which had not been liquidated. Among these, had not the State from which the honorable chairman of the Committee of Ways and Means himself came, a very large claim for interest on moneys advanced for the service of the Union? Massachusetts had presented claims, of which she had yet received but a part only, and not yet a dollar of interest. Connecticut had a similar claim; yet the committee had allowed but one million of dollars for contingencies. Was this committee prepared to adopt a bill like that before them, with such an amount of floating debt against the treasury? But he would go further: Did the bill contain any provision for the extinction of the Indian title to the immense tracts of land still held by them? These titles were to be extinguished at the expense of the General Government; and the policy adopted by the country was to extinguish them as soon as it could be done in a peaceable manner. The Government stood bound to one of the States to do this as soon as it should be in its power. He asked whether the committee, which reported the bill, had taken this into consideration? Suppose we should have another Indian war, was any provision made for such an event? That just brought to a close had cost the country probably a million and a half of dollars; and was it probable we should be exempt from other similar expenses? Did the bill provide for such contingencies? Did it not proceed on the supposition that twelve and a half millions were to be drawn from the customs and two and a half from the public lands: allowing one million for pensions and another million to cover all contingencies?

It was his own conviction that, should the bill pass, the country would, at a period not very remote, and when it had been impoverished by importations of foreign goods, want money, and would have to raise it by some other means than those provided by this bill. In fact, the Committee of Ways and Means themselves, after resolving on what they called a gradual reduction of the duties, found there would be a deficit, and, to supply the deficiency, had put a duty on coffee, and tea, and silk. For what purpose? To reduce the revenue? No, to increase it rather; having, by other provisions, reduced it to a point below the wants of the Government. The imposition of this tax would, indeed, continue in office the weighers and others attached to the custom-house; but would it satisfy the people? Would they consent to have the means of their support cut off, the price of their labor reduced, their industry paralyzed, and yet be taxed, by an impost on what might be denominated the comforts, if not the necessaries of life?

Mr. H. said he had submitted these views with a desire to draw the attention of the committee to the importance (when forming a permanent system of revenue) of ascertaining, with reasonable certainty, whether the money it was proposed to raise by this bill would be adequate to the ordinary expenses of the Government, and sufficient to meet the contingencies which might arise, and he had, therefore referred them to expenses which were not only probable, but some of which would certainly accrue, and must be paid; and, if paid, would require different financial provisions from those proposed by this bill.

But, admitting that, in all his previous suggestions he had labored under a mistake; that the bill would operate to reduce the revenue as was contemplated, and that it was desirable that it should be so reduced; (and he took it for granted that no member of that House was desirous of retaining an excess of revenue in the treasury beyond the exigencies of an efficient Government; he was very sure he had himself no such wish;) then the next inquiry would be, is this the proper mode of effecting the reduction contemplated? If the time had arrived when the national debt being paid, a reduction of the revenue was to follow, was it expedient to make the reduction on the principles contained in that bill? Or, would it be preferable to effect the same object in a mode that might preserve from destruction the industry of the country? The professed object of the bill was to reduce the protection now extended to manufactures, agriculture, and the mechanic arts; but the practical effect of the bill would be to annihilate them.

Whether the protective system was or was not constitutional, was a question on which he should not now enter. Whoever had read that masterly exposition of the constitutionality of a protective tariff, which had proceeded from one of the most illustrious sons Virginia had ever raised, could be in no want of arguments on that subject. And who ever had read another document, which bore the signature of the honorable gentleman from New York, [Mr. Verplanck,] (and who had not read it?) required no further argument to convince him of the same truth. Of the constitutionality of the system, therefore, (of which Mr. H. entertained no doubt,) he should say nothing. The immediate question was, whether it was expedient to destroy it? And this was the great, the important question.

In answer to this inquiry, he should only turn the attention of the committee to the effects of the present bill. Waiving all disquisitions on constitutional law, and all speculations on political economy, two subjects which had grown somewhat threadbare in that hall, he would direct the thoughts of gentlemen to the consequences which must follow should this bill become a law; and would then ask if this could be denominated a proper and expedient act of legislation?

Mr. H. said he was not sure whether any single branch of domestic industry throughout the country, at least in the Northern and Middle States, could sustain such a blow, unless, indeed, it might be that of iron, and even with respect to that, it might be considered very doubtful. Every other description of industry (he left the subject of iron to his friends from Pennsylvania) must be, if not utterly and at once prostrated by the bill, at least most materially injured.

He would not permit himself to dwell upon the scenes which such a measure could not fail to produce in a large portion of the Union. He would, however, ask gentlemen to reflect upon the condition of those who had, under the faith of the laws of Congress, vested their entire capital in extensive manufacturing establishments. If one of this description was now much in debt, the result to him must be bankruptcy; if he was out of debt, the effect would be the sacrifice of his establishment, or a great reduction in their value. But he would ask what would be the result of such a bill to the man who held the plough, to the mechanic who depended on his workshop for his daily bread? What on the family which was now able, by its industry, to sustain itself in competency and credit? What upon the great agricultural interest of the country, upon the farmers of our land? To whom would they be able to sell their flour, their other breadstuffs, their other agricultural productions? To whom would the machinist and mechanic sell the works of their labor? To whom would the day laborer be able to look for any employment that would afford him any thing beyond a bare subsistence? He asked these questions, because the moment Congress should break down the protective system, that moment they lessened the value of the whole productive industry of the country. The man who had been able hitherto to support himself in comfort, and to educate his children, would now be compelled to curtail his expenses to his indispensable wants; and then what would be the first expenditure which necessity might compel him to cut off? Yes, what would be the first? Might it not be the education of his children? And does any one desire that we should have in this country a body of uneducated operatives like those in Europe? Besides, admitting that they could continue to work at such reduced prices as must ensue, where could they send the products of their industry? Where would the flour go to, where the provisions, where the various manufactured articles? Shall we send them to the States of Europe, who talk so much about the doctrine of free trade? Could this country send them a single barrel of its flour? Was there one single article that could in the least compete with their own products, which those lovers of free trade would admit to an entry in their ports at a fair rate of duties? Not one. The protective policy now proposed to be destroyed, was a policy which had received the sanction of our State Legislatures, and of the American people. Our friends at the South thought the system unconstitutional, and would, of course, vote for the bill. He did not address them; he addressed himself to the Representatives of those States of the Union which had pronounced the system to be not only just, but to be wise and expedient. He asked those gentlemen whether they were prepared to give it up? Were they ready to go home to their constituents, and tell them that they had given votes here which went to paralyze their industry? That they had laid the foundation for the destruction of all the arts they cherished, and all the fruits of their labor? If there were sufficient reasons why all this should be done, then they would vote for the bill; but whether there were any such reasons or not was a question of the deepest responsibility.

Mr. H. warned gentlemen that such would be the results of the bill; and why should they adopt a measure that must thus prostrate the best interests of the country, when they could as well adopt another course, which would reduce the revenue without any such results? No human being could tell the desolations which such a bill would certainly spread throughout all the Middle and Eastern States. He would merely ask the committee to look at the picture. And could it be the true policy of the American Government that these citizens should thus be destroyed? Why must it be done? But if the measure must be forced upon the country, he would ask, in the last place, was this the proper time? He repeated the inquiry, was this the fitting time to enter upon such a course of legislation? Would not gentlemen consent first to see what would be the practical operation of the bill passed at the last session of Congress? Would they insist upon rushing instantly upon the abandonment of the plan proposed by that bill, before they knew how it would operate? Was this the usual course of legislation? No. All who heard him were familiar with the passage of the last tariff law; all remember with how much care it was examined and scrutinized; with what zeal it was pressed upon the House as a system which, once adopted, was to be permanently the policy of the country. And would they already, before the bill was even tried, enter upon a new and untried scheme?

There was another reason why the present was not the proper time: the bill had been brought into the House without the least warning to the country. Was there a man in that hall that could have divined that, in twenty days after their arrival here, a bill would be brought in providing a new tariff, and, before one month had expired, would be pressed for immediate adoption? He wished to ask, and he did ask gentlemen to say whether they believed that the people of this country expected any action of Congress upon the subject during the present session, especially on a bill like this, which proposed, within two years, to bring our manufacturing, agricultural, and mechanical establishments to a state of great depression, if not ruin? He addressed himself to those in a peculiar manner who had voted for the bill of last year as a compromise, and in the belief that it was to be a permanent arrangement. Would they not consider it more wise to let that bill go into effect, and be tested by experience?

Why was the House called to legislate at all on the subject? What had occurred since the close of the last session which should make it proper that this bill should supersede and override all the other public business? What was it that had brought this "bill of abominations" into the House, and rendered it imperative upon the committee to act on it immediately? The gentleman from New York [Mr. Verplanck] had made some allusion to the true cause, and Mr. H. would follow him with all becoming deference for the feelings of others, but in that spirit which he thought became the subject. Could any man shut his eyes to the fact that there was a certain portion of this country which considered the protective system, and the laws enacted with reference to it, as unconstitutional and oppressive, and that one of the States had publicly declared that the tariff laws should not be enforced within her limits; and has added the declaration that, if any attempt should be made by force to execute them, she would immediately secede from the Union? On the merits of this question the present was not the proper time to speak. Mr. H. referred to it as a fact which ought to be brought to the consideration of the committee. He had seen and watched the rising of this spirit when it first appeared: it was then a cloud not larger than "a man's hand." It has since spread, and he had seen it gradually rising in the horizon. But he did not fear to look at it, and would never consent, by his vote, to act under what would be understood by the country as a coercion produced by such a prospect.

On this topic it was his purpose so say but little. He had hitherto confined himself to the merits of the bill; yet it was too plain to be denied that, had it not been for the demonstration in a certain quarter, they should never have heard of the present bill. And is it known that this bill would be satisfactory? Would it remove the difficulty? Were they to risk so great a sacrifice as the utter prostration of the great interests of the Middle and Northern States, with no certainty that, after all, the discontents at the South would be quieted, even if they were proper now to be considered. It was said that this must be done to preserve the Union: but was it necessary to sacrifice the Northern and Middle States to preserve the Union? Was that the way to preserve it? Would that bill preserve it? Would its provisions be satisfactory? It was not for him to answer that question: but, judging from what he heard, and from what he read, he should suppose there was but little prospect of such a result. But suppose the bill should not be satisfactory, was the Union in any danger? Did the Representatives of the American people really believe that, unless this bill should pass, the Union will be dissolved? The President of the United States, who had sworn to execute the laws, had recently issued his proclamation, and affixed to it the great seal of the nation, in which he declared that the Union must be preserved, and that the laws should be executed; that, having the fullest confidence in the justness of the legal and constitutional opinions of his duties, expressed in that proclamation, he should rely, with equal confidence, on the undivided support of his fellow-citizens, in his determination to execute the laws, and to preserve the Union by all constitutional means. Did gentlemen believe that he would not do what he promised? Let him ask the attention of the committee to the precedent which Congress would set by passing such a bill at such a juncture. He had said that it was not his purpose to enter minutely into a consideration of the course pursued by one State in the Union. He spoke of this matter only as a fact which existed, and inquired whether if a single State, considering itself aggrieved by the legislation of Congress, could constitutionally declare that the laws of the Union should not be executed within her limits, and possessed the right to secede on the first attempt to execute them, what would become of the Government? Virtually at an end; it would cease to exist, and the great object for which it was formed, would be destroyed.

But let the committee follow out the principle in all the results to which it might lead. Suppose the bill should pass, and its effects upon the Northern and Middle States should be (and they would be) such as he had alluded to, and that then not a single State, but all the Middle States, and the whole of New England, should speak, through conventions, the following language to Congress: (which, however, they never would do:) Unless you repeal this bill immediately we shall secede from the Union. He asked whether there was any gentleman on that floor who would consent to legislate in the face of such a threat? He was confident there was not an individual who would do it: and yet those States were told that they must consent to surrender all their vital interests as a patriotic sacrifice for the preservation of the Union.

Mr. H. said that he had now touched upon all the topics he had proposed to himself when he rose to address the committee. He was opposed to the bill because he doubted whether it would operate immediately to reduce the revenue at all; that, even if it would, it was inexpedient to adopt such a measure, in the existing state of the treasury, with so large an amount of floating debt against the Government, because it broke down a system which it had been the object of all previous legislation to build up and establish, and this without any necessity, because a law just passed, with a view permanently to settle the tariff, had not been tried, nor its operation upon the country ascertained; and, because it was proposed at such a time, and under such circumstances, that the people of the United States would naturally conclude that the bill was passed in view of the disaffection of a certain portion of the Union. For these reasons, and to him they appeared most sufficient and conclusive, he should vote against the bill. He had not alluded particularly (as he might have done) to the time, the circumstances, and the manner in which the protective system had been originated and established. There was the less necessity for him to do so, as an honorable friend of his over the way [Mr. Wilde] had placed his signature to a paper which fully disclosed them, (and his friend never put his name to any thing which he did not write,) and, although they differed on many questions of public policy, it was with great pleasure that he referred to him on the present occasion. In the document to which he alluded, it was declared that the bill of 1816 was not the act of New England, but had proceeded from another source; what that was he (Mr. H.) need not explain to this committee. He did not know, nor was it necessary for him to state all the consequences that must follow from the adoption of such a bill as that now before the committee. It would entirely destroy most of the branches of manufactures and agricultural and mechanical industry, by which the people of the Northern and Middle States obtained their livelihood; and when this came to be felt and understood, he was mistaken if they would not speak to that House in a voice that would shake the marble pillars of that splendid hall to their foundations. It would not be a voice of disunion. No, those who inhabited the portion of country from which he came, gave no countenance to disunion.

They have spent much blood and much money to lay the foundations of this Government, and they had no idea of overturning the fabric they had reared. The Union had obtained for them all of the past which was valuable, connected with their national interests; and it was the Union which was to secure to them all which was valuable in the future. Their voice would not be a voice of disunion nor of insubordination to the laws: such was not the character of those whom he represented; they would obey the laws. They understood it to be the fundamental principle of our Government that the majority must rule. But he told this committee that there was a redeeming spirit in the land, whose action would be felt at the ballot boxes, and which would speedily repeal this law, and again place the industry of the country under the protection of laws which had hitherto cherished and sustained it.

Mr. H. said he had now done with the general principles of the bill. It had been his first intention to move to strike out the enacting clause, but he had been informed that such a motion would not preclude the offering and discussion of as many amendments as gentlemen might choose to offer, and he did not know but there were gentlemen who might wish to propose amendments.

In concluding, therefore, he would make a motion, which would test the sense of the committee on the expediency proposed by this bill, of withdrawing all protection from the domestic industry of the country, by reducing the duties on the productions of foreign labor competing with our own, and adding to the duties on articles which do not compete with our own industry. Congress had, at the last session, taken off substantially all the duties on teas and coffee. Could any gentleman have forgotten the reasons then advanced in favor of such a measure? Was not the House told that these were, by the habits of our people, become necessaries of life, and that it was desirable, as soon as possible, to relieve them from so grievious a burden? And yet it was now proposed to reinstate the duty on those articles then made free. His object was to bring the committee first to a vote on these two articles, and he, therefore, moved to erase the two paragraphs of the bill (the 31st and 32d) which imposed a duty on teas and coffee, and which contain the following provisions:

"On coffee, a duty at and after the rate of one cent the pound weight."

"On teas, from and after the third day of March, eighteen hundred and thirty-four, a duty at and after the rates following, that is to say, on imperial, gunpowder, gomee, hyson, and young hyson, ten cents the pound weight; on hyson skin and other green, souchong and other black, except bohea, six cents the pound weight, and on bohea, three cents the pound weight."

Mr. INGERSOLL next obtained the floor, but yielded to a motion of Mr. BURGES, that the committee rise; which motion prevailed: Ayes 88, noes 62.

The committee thereupon rose, and the House adjourned.

Thursday, January 10.

EXPENSES OF LAND OFFICES.

Mr. WICKLIFFE, from the Committee on the Public Lands, reported a bill to change the location of certain land offices in the United States, and moved for its engrossment.

Mr. WILDE said that, as a member of the Committee of Ways and Means, his attention had been drawn to the expenditures of the Government connected with the department of its public lands. He had for sometime been impressed with the conviction that those expenses greatly exceeded the due proportion which they ought to bear to the other demands of the public service. And he had risen now to inquire whether the bill just reported involved any augmentation of this expense?

Mr. WICKLIFFE said, the increasing expenditure of the land offices, for a few years past, had not escaped his notice; he would be glad to apply a corrective, if he could satisfy himself as to the most proper mode of doing it. The provisions of this bill would not increase the expenses of the offices beyond what might be required to transport the books. The necessity for this bill had arisen from the fact that several land offices, from sales of lands, and the consequent change of the sphere of their action, were located out of the district where the lands for sale at them are situated. Every year applications had been made to change the location of the offices by law. To avoid continual legislation on this subject, the bill proposed to invest the President with the power to make the necessary changes in the location of the offices. The only mode which had occurred to him of reducing the expenses of the system, was to reduce the number of land offices, by making the district of each more extensive. This bill would not increase the expenses except for the mere transportation of the books of the offices where a change was required.

The bill was ordered to be engrossed without a division.

THE TARIFF.

The House then went into Committee of the Whole on the state of the Union, upon the bill to reduce and otherwise alter the duties on imports—Mr. WAYNE in the chair.

Mr. INGERSOLL, of Connecticut, rose and said that the peculiar situation in which, as one of the Committee of Ways and Means, it had been his fortune, perhaps misfortune, to be placed, seemed to require that he should, in this early stage of the debate, give the reasons why he had not been able to assent to the present bill, and the report which accompanies it. This is due to myself, (said Mr. I.) no less than to my highly respected associates of the committee, from whom I have been obliged to differ. As was said on a former occasion, and in reference to another report, by the gentleman (Mr. VERPLANCK) who, as chairman of the committee, reported this bill, my position in regard to it, is "singular and solitary:" Yes, I say it more in sorrow than in anger, it is solitary indeed. Even my friend from Pennsylvania, [Mr. GILMORE,] who has generally acted with me in the Committee of Ways and Means, on all matters connected with the protective policy of the country, has finally concluded that it is his duty to leave me; and it is well known that all the other members of the committee have ever been, in principle, opposed to the policy that we have hitherto endeavored to uphold. No doubt the motives of my worthy friend were of the purest kind, and the feelings which prompted him were those of a generous bosom. Yielding, however, a little to the infirmities of our common nature, he may have been unconsciously influenced, in some measure, by the circumstances in which he stood. His attention has doubtless been turned more particularly to the preservation of the strong interests, the iron interest, of his own State; and finding that they apparently fare better under this tax bill than those of some other States, who have no phalanx of electoral votes to make themselves felt here, he may have concluded to go for the bill as it is, rather than take the chances of getting a worse one at a future session. It is proposed to protect the leading productions of Pennsylvania by duties varying from about thirty to ninety per cent.; and the bill which does this, also proposes to crowd down the woollens, in which the hardy yeomanry of the county, the wool growers, are particularly concerned, to twenty, or less than twenty, per cent. Had our circumstances been reversed, had the woollens, the cottons, the paper, and the other branches more immediately interesting to the people in the quarter of the country from whence I come—had these been preserved by higher rates, and the iron and coal of Pennsylvania depressed below the average of a mere revenue duty, my friend, I think, might have viewed the subject in a different light. Let me, however, assure him, in parting, that the iron arch, important as it is to the entire system, cannot long remain after its enemies have been once permitted, in this way, to undermine its foundations.

What would be the precise effect of this measure, if adopted, on the revenue of the country, no one could with safety predict. But, as I wish to avoid as much as possible all debatable grounds, I shall take it for granted, for the purpose of this inquiry at least, that the committee are right in saying that the receipts from the customs, under their bill, would be reduced to something over thirteen millions of dollars. We are asked to make arrangements now for large reductions, because, in the opinion of the committee, our present receipts, unless we promptly interpose, will roll up and retain a dangerous surplus in the treasury, "a needless burden upon the people, a tax falling directly or indirectly upon the land and labor of the country, certainly injurious in its effects, and probably unequal, enriching the treasury only, to divide and distract our public councils, by tempting to expenditures of doubtful constitutional right, or inconsistent with the simplicity of republican institutions, staining their purity, and hazarding their permanency." If, Mr. Chairman, there is one individual on this floor who is in favor of accumulating such a surplus in the treasury, for the pleasure of scrambling for the spoils, I wish it to be distinctly understood that it is not the humble individual who now addresses you. No, sir; the sentiments held by me on that subject, were embodied in a report presented at the last session, and which was also signed by my friend from Pennsylvania, [Mr. GILMORE,] and, by the principles there expressed, I shall steadfastly abide, let those principles lead me where they may.

There are some points, then, in which I am happy to agree with the other members of the committee. I agree with them that we should not accumulate an useless surplus in the public treasury; and that, at a proper time, and in a proper manner, the revenues should be adapted to the strict wants of the Government, if found to exceed those wants. More than this, it may be admitted that, after the payment of our debts, fifteen millions, the sum estimated by the Secretary of the Treasury, and sanctioned by my associates of the committee, should be, in ordinary times, sufficient to meet the current expenses.

Having gone thus far with the other members of the committee, we have now reached the point at which I am sorry to part with them. In saying, as I do, that this is not the proper time to change the established revenue system of the country, I have no allusion to what is taking place elsewhere. I come to this part of the subject, in the way in which it was put to me, as a strictly financial, not a political question. This is not the proper time, because you will, in my opinion, have need for every dollar you will receive under the present system of duties for the two years to come, at least. In the report put forth, it is taken for granted that now is the time, and now the hour, most fit and proper to reduce the treasury receipts; and this the committee are attempting to accomplish by their bill, lest the dreaded surplus should overtake us, if we delay it a little longer. This is not the first time that we have heard about "a surplus in the treasury," and the embarrassments it might produce in our devising ways and means to get rid of it. Why, sir, I have heard about it, and read about it, ever since I was old enough to read the newspapers, but have never been able to find it, except in the imagination, for the last quarter of a century. I remember reading about it as far back as the administration of Mr. Jefferson; the evil had been anticipated at that day, and Congress had been called upon to devise some plan for disposing of it. The profound statesman (Mr. Jefferson) then at the head of the Government, advised Congress, that when a surplus should really be found in the treasury, it should be expended in works of internal improvement, either under the present constitutional powers, or under such new grants as might be imparted to the federal compact. But we have grown wiser than Mr. Jefferson, or think we have. No one is now so unfashionable as to propose that the surplus revenues should be so used; in our estimate of fifteen millions we do not mean to have any of it distributed in that way. And lest we should happen to have an excess, we are perplexed as to the mode of avoiding it. It was the burden of complaint at the last session; it met us during the recess, in staring capitals, in the publications of the day; and since we have been here this winter, it has been rung and echoed in our ears, in all the sameness of the cuckoo's note—"surplus—surplus—surpluss!" Gentlemen will insist upon it that the body politic is in danger of immediate death from plethory, and the political doctors who gather around in consultation, instead of tapping a vein, are for cutting the arteries. Let me advise them to stay their hand before they use the knife thus freely. Let us see how the truth is about this much talked of surplus—this moneyed plethory that threatens so many ills. The examination will no doubt be dull, dry, and uninteresting; but it is one which every statesman must make before he can be prepared to vote on this bill.

The Secretary of the Treasury, in his annual report, has informed the House that there would be on the first of the present month a surplus, speaking in round numbers, of $1,600,000. Taking this report of the Secretary in our hands, let us open his strong box and count its contents. If you will do so, you will find, that of this amout of $1,600,000, the sum of $1,400,000 consists of what is called "unavailable funds." These unavailable funds are principally made up of the bills of broken banks—local banks which have failed years ago. You received them when the State banks were used as places of deposite for the national funds, and before the incorporation of the present Bank of the United States. And permit me to add, if some of the present schemes of the day should take effect—if we should withdraw our deposites from the vaults of the United States Bank, and again trust them to the safe keeping of the local institutions, whatever may become of our other funds, we shall at least have one, the fund "unavailable," that will be always on the increase. However, it may not be worth while to dwell upon that topic just now. My first business is with the surplus. If these rotten bank notes are taken out of the account, we shall have left, in sound funds, but two hundred thousand instead of sixteen hundred thousand dollars. Nor does this give us the true state of the case. Turn back to the Secretary's report, and you will find that, to make up this excess, he has reckoned in the money which we received from the Government of Denmark for spoliations on our commerce, amounting to not far from 700,000 dollars, every dollar of which belongs to our merchants, and may be by them, either now, or in a few weeks, drawn out. This money makes no part of the legitimate funds of the treasury; it is merely there in trust for others, whose private property it is. Allow for this, and, instead of a surplus in the treasury, we are deficit, on the 1st of January, to the amount of nearly half a million of dollars. But if we go a little deeper into this business we shall find, that besides the deficiency just alluded to, there are, of the appropriotions of the last session, and former sessions of Congress, now remaining unsatisfied, but which will hereafter have to be paid, nearly five and a half millions of dollars, or, to speak with mathematical precision, the sum of $5,476,202 26. These claims must be regarded by every honorable man in as sacred a light as the funded debt. Instead, therefore, of the much talked of surplus, there is now an actual deficit of nearly a half million of dollars, and outstanding demands amounting to almost five and a half millions more; making, together, not far from six millions to be provided for beyond the means now in the treasury. Then, in addition to these six millions, there is owing to the public creditors on the funded debt, seven millions more; making, in all, on the 1st day of the present month, a round sum of about thirteen millions of dollars. This being the condition of the treasury at the present time, we need not yet trouble ourselves about disposing of the surplus.

But it probably might, and will, be said by the friends of the bill, that, to meet all this, we shall have an immense influx coming in from the customs during the current year; and though we are now so far behind, there will be, on the 1st of January next, certainly, "a large surplus in the treasury. Let us see: The Secretary has informed Congress that the whole receipts for the year 1833, from the customs, from the public lands, and from the stock held by Government in the United States Bank, and from all other incidental sources, will amount to twenty-four millions of dollars. With this sum, what have we to pay? Take the Secretary's own statement to answer this question. He has told you, in his official report, that the expenditures of the nation during the year will be, exclusive of the principal of the public debt, and exclusive of the Danish claim, seventeen millions six hundred and thirty-eight thousand dollars. Deducting this from the twenty-four millions, and also allowing for the payment of the Danish indemnity, which must be taken from the receipts of the present year, and you will have left about five million eight hundred thousand, and will, at the same time, owe to the holders of the public stocks seven millions, and have another floating mass of unsatisfied appropriations at the end of the year, which, if they should be as large at the end of this year as they were at the end of the last, would leave you still about seven millions to be provided for. There can be no surplus, therefore, on the 1st of January, 1834; but we must then, as now, lag still behind the sum of our indebtedness.

But perhaps there will be a surplus two years hence, that is, in January, 1835. This, too, shall be looked into, if the committee will but have patience to go through the examination. It is a dry subject, very dry, and can only be elucidated by speeches of figures, not by figures of speech. During the year 1834, the act of July last, reducing the duties, will be in full operation, and the receipts from the customs under it are estimated by the Secretary of the Treasury to be eighteen millions of dollars; in addition to which we may receive from the public lands, and from the United States Bank stock, three millions; (if the bank should not by that time stop payment;) making the whole revenues of the year 1834 amount to twenty-one millions. The expenditures of the same year, exclusive of the debt, are estimated by the Committee of Ways and Means, at fifteen millions of dollars, and that is putting them a million and a half less than they were during the last year, and two and a half millions less than the estimate for the current year—but say fifteen millions, if you please, exclusive of the debt. As, however, it has been shown that we must commence the year 1834 with a balance of funded debt, and the usual floating mass of unsatisfied appropriations, amounting together to nearly seven millions against us, you must, to ascertain our true condition, add this amount to the fifteen millions required for ordinary expenses, making not far from twenty-two millions to be provided for in that year; to meet which you can have but twenty-one millions of receipts, thus leaving a balance still against you on the 1st of January, 1835.

I am aware that we are not obliged to take money out of the treasury on the first of each year to meet the unsatisfied appropriations that are then outstanding; but if we owe the money—and there can be no higher claim than an appropriation by Congress—will any man say that we should not always be ready to meet these demands, however and whenever they may come? Can you, at any rate, talk of having a surplus, when the very money which you call surplus is liable to be taken in payment of debts that you have made yourselves liable for? It has been the general policy of our Government, as it is of every other that can do it, to retain enough in its treasury to set off against all ordinary contingencies and unsatisfied appropriations. It is peculiarly proper, in a Government like ours, where the revenue is mainly dependent on foreign commerce, and of course liable to be lessened by the vicissitudes of trade. Looking, therefore, at the matter in either light, whether the money is considered as actually to be taken out of the treasury, or to be reserved in it, to meet existing demands, it is manifest that, instead of a "surplus" on the 1st of January, 1835, there would be a probable balance against us, reckoning on the one side the cash in the treasury, and on the other the ordinary expenses, the remnant of the debt, and the unsatisfied appropriations.

To all this it may be, and probably will be, answered, that the Government owns stock in the Bank of the United States to the amount of seven millions; and this stock may be brought under the hammer, and should we get par for it, then we should have the glorious surplus completely within our grasp, perhaps in some two years hence. The proposition is, that we should sell our stock in the Bank of the United States, which now yields an interest of seven per cent., for the purpose of buying our own debt not due, the greater part of it, till 1835, and on which we are paying but four and a half and five per cent. The bank stock, seven millions of it, if forced into the market in a mass, must go at a great discount, if sold at all; while the public creditors would not part with the scrip which they hold against you, unless you paid them an advance; and yet the proposal is coolly made that we should sell our seven per cent. bank stock at a discount, to buy up our own debts at a premium, and on which we pay but four and a half and five per cent.

This would be a general financial operation, indeed! Would any gentleman pursue such a course in his own private concerns? If he did it in the part of the country from whence I came, he would have a conservator put over him as an insane person. And dare we do that with the people's money which no individual in his senses would do with his own? But suppose you should send this bank stock into the market, are you quite sure that it could be now sold at any price? Must not any man who has watched the thermometer in Wall street, know that the moment the Government should enter the stock market with these seven millions, there would be a general panic, and a rush from all the holders to get rid of their shares also? Let the bank be ever so sound, if the Government should thus send its stock to be sold, it would necessarily enter a glutted market, with the death mark upon the face of it. In a market thus glutted, it could not fetch the half of its original cost. Who would buy it? Capitalists do not desire to buy up the stock of banks that are about to wind up their concerns; they do not wish to buy debts scattered all over the Union; their object is to get interest regularly paid for their investments. It was the most idle thing in the world to suppose that this stock could be sold at pleasure, unless at an enormous sacrifice. A gentleman near me says we could sell our canal stock: surely the gentleman must be in jest. In regard to that species of property, if we continue to be the holders of it, my own opinion is, that it will be eventually productive; but you might as well throw it to the winds as now to throw it into the market. The United States Bank must begin to wind up its concerns at farthest in 1836. It will probably require from five to ten years to bring its affairs to a close. We should not receive the principal sum in a lump, but by instalments of a million or a half million at a time, and this, put into the mass of the national funds, never would be sufficient to cause a troublesome "surplus in the treasury." Besides, there is no proposition yet before us to sell out our bank stock, and, till one shall be presented in a tangible form, it should not be taken into the account. True, the President of the United States has recommended that "provision be made to dispose of all stocks now held by the Government in corporations." But we should do injustice to the President to suppose that he meant by this to hurry the bank stock to a forced sale, without any regard to the price it could command: no such thing could have been intended, nor do the words of his message justify such an inference. But suppose the President had so recommended—and I wish to treat his recommendations with all the respect due to the Executive of my country—has not the President also recommended other measures that have an important bearing on this question? He has told us that we ought not to rely on the public lands as a permanent source of revenue; and in this I agree with him, though we may differ as to the best mode of disposing of them. He has also recommended that teas and coffee, those articles of necessity, should be imported at mere nominal duties, or duty free, as we said they should be, last July. He has also recommended that we should hold out adequate protection to those branches of industry necessary to our security and independence in war. Why have not you carried out these wholesome recommendations in the bill now before us? These are Executive recommendations into which I should probably more thoroughly enter than even my friend from Tennessee, [Mr. Polk.] When gentlemen would, therefore, quote upon me the Executive recommendations as their guide, they should take them as a whole; they should take all that has relation to the same subject, and not cut out here a passage, and there a passage, as may happen to suit their particular views, and discard the rest as worthless.

If the views which have been now presented in relation to the finances of the country, present and future, are correct, we cannot rid ourselves of the conclusion that the amount of revenue, as it is expected to accrue from the act of July, 1832, will all be wanted for the two ensuing years at least. Why, then, are we urged in this hasty and unprecedented manner, to uproot that act? Why unsettle all that has been established with so much care and so much labor? Why was the odious gag applied to the very outset of this discussion? Why not debate this interesting subject in a liberal spirit? and why meet us at every turn, not by argument, but by silent, sullen votes? Ought not the House, ought not the country, to see what will be the operation of the act of July last, which was adopted by such a great majority, before we again meddle with the disturbing topic? Will you not see the working of it for a single year? Have we committed such an offence by the passing of that law, that we must now atone for it, not by eating our own act, but by having it crammed down our throats while it is yet wet with the ink with which it is written.

But suppose the views which have been presented in reference to the finances, are all wrong; suppose there is, or shortly will be, the much talked of surplus; that it is necessary, therefore, to reduce the revenue, and that this is the proper time. Then I have to say that this is not the proper bill. It is partial, unjust, and inequitable in its bearings on the diversified interests of the country affected by it. Aside from this, no permanent system should be settled, by which we are to rely on the public lands after the payment of the debt for which they were originally pledged. The scheme now offered does so rely on the lands for a large portion of the treasury receipts. There is, to be sure, in the report, some qualification about purchasing Indian titles, and paying revolutionary pensions, but that limit as to the land income, does not amount to much; for I presume we shall have Indian titles to extinguish, and annuities to pay to the tribes, to use an Indian comparison, "as long as water runs or grass grows." And then, as to our revolutionary worthies, who have at last received their long deferred dues, it is to be hoped that death will not have disposed of them as soon as the report seems to apprehend. I hope they may remain among us many, many years longer. And if, as some predict, and many fear, the fabric of our Union which they assisted to raise, is to be destroyed, then, with the good Lafayette, I pray that the evil hour may be at least delayed, till not one of these venerable men shall be left to mourn over the ruins.

Although no one of the various schemes for disposing of the public lands, has yet united in its favor a majority in both Houses of Congress, yet all parties seem to have agreed, till quite lately, that they should not be regarded as a source of revenue in peace, after the payment of the debt. The friends and opponents of the tariff formerly united very generally in this, and there seemed to be a struggle as to who should go farthest. In the "great debate" which took place in the other wing of this building it was generally conceded that the public domain should not contribute to the public treasury, after we should once get clear of debt. The Eastern Senators were rather taunted unjustly, as I think, for holding too firmly to the lands; and as having a disposition to grind and oppress the hardy pioneers, whose industry and enterprise had rendered them productive. No one could have believed that we should have so soon have a proposition, especially from the quarter whence this comes, to fix the present land system more firmly on us. It seems almost impossible that any man who has watched the signs of the times, either in this House or out of it, could expect to rely upon the lands for two or three millions of dollars a year, after the payment of the public debt. We must all see that, as sure as time, some scheme will soon be devised, that will put them out of the question for ordinary revenue purposes. The President has told you so in the most explicit manner. Let me read from the message sent to us at the opening of our present session, a document that I trust will be considered good authority by those who framed this bill: "It seems to me to be our true policy, (says the President,) that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising out of our Indian compacts." "The adventurers and hardy population of the West, besides contributing their share of taxation under our impost system, have, in the progress of our Government for the lands they occupy, paid into the treasury a large proportion of forty millions of dollars, and of the revenue received therefrom, but a small part has been expended amongst them. When, to the disadvantage of their situation in this respect, we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emoluments arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end forever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

The Secretary of the Treasury, in his report a year ago, which I have not by me, also recommended another mode of getting rid of the lands. But the plan of the present bill is still to draw two or three millions annually from them. Are the Western gentlemen ready for this? Do they think that the present land system is the best that can be devised, and are they anxious now to rivet it on themselves? For such will be the effect of their votes, if they are recorded in favor of this bill. This is an objection which strikes to the root of the present scheme. Let us, when we come to fix our permanent system, draw our fifteen millions, or whatever sum may be necessary, exclusively from the customs, leaving the public domain to be equitably disposed of as the wisdom of Congress may devise, or the wants of the people may require.

There are other objections to this bill which shall not be noticed. Its very details are so unjust and unequal in their bearings, (though doubtless not so considered by the committee,) that I should be willing to submit the question of their inequality to the opponents of the protective system, to those even who hold to the doctrine of State nullification; and, from the votes we have taken, there is some reason to believe that these questions are to be yet decided in this House by the opponents of the tariff rather than its friends. We have here a bill in which the report that accompanies it, informs us the duties are generally averaged from ten to twenty per cent.; and as woollen and cotton goods stand at twenty in the bill, one would suppose that they have been favored with a place on the outside of the average. Now, how is the fact? What are the great articles of dutiable imports? They are principally iron, dry goods of various kinds, sugars, teas, spirits, salt, &c. We will see how the duties on these things compare with the ten and twenty per cent. average. First, we have iron, an article which all friends of the tariff will say should be well protected, and the duties on which far be it from me to complain of; you give by the bill on hammered iron a duty of fifteen dollars the ton, which is equal to twenty-eight per cent.; on rolled iron, twenty-four dollars the ton, which is equal to seventy-six per cent.; on pig iron, a specific duty equal to thirty-five per cent., and on sheet and hoop iron a specific duty, which is equal to ninety-three per cent. So much for the protection of iron. On coal, another most valuable product of Pennsylvania and Virginia, the duty is proposed to be five cents the bushel, which is equal to forty-seven per cent. On salt, an important product of the "empire State," the duty will still be equal to thirty-nine per cent., though reduced from what it was before. On cordage, by way of favoring free trade, as we are to presume, or the shipping interest, the duties will be equal to forty-one and fifty per cent. On spirits, (to encourage the manufacture of whiskey,) they amount to sixty-four per cent. On brown sugar, at two cents the pound, which is equal to about forty-six per cent. Molasses, four cents the gallon, which is equal to twenty-eight per cent. Hemp, for the special benefit of our beloved sister Kentucky, twenty-six per cent., which is not quite so bad as the wollens. On cotton goods, the duty is to be but twenty per cent.; and on wollens, some of them (those costing thirty-five cents the square yard) the duty is to be but five per cent., and on the residue twenty per cent. Is there any thing like an average, or approaching it, in all these arrangements? Then we have teas, an unprotected article, on which the committee have assessed a mere revenue duty of thirty per cent: so that, according to this rule, if thirty per cent. is a fair revenue rate, throwing out of the question the protective principle, you have placed the great interests of cotton and wollen manufactures, not only below every other protected article, but you have put them far below the mere revenue standard that you have applied to teas.

The President has said, and the Committee of Ways and Means, in their report, admit, that on articles necessary to our independence in war, it is proper to put higher duties than on others. But is not the blanket of the soldier, and the clothing which he wears, necessary for him in time of war? How was it in the last war? Ask any man who was on the Northern frontier--ask my honorable friend from Pennsylvania (Col. **Watmough**) who was there, and who, amid the snows of a Canadian winter, bore the hardships, as he now bears the honorable scars, of that trying service. He will tell you that the men were more distressed from the want of comfortable woollens than from any other cause. Why, sir, it is notorious that you had not blankets to issue to the shivering savages who sought your protection. We had iron enough and lead enough. It is true we occasionally wanted some of the well-made manufactures of iron, well-finished muskets, but we had the raw material, and should have had no difficulty as to muskets at any time, if you had given that encouragement to your enterprising citizens engaged in making them, which sound policy required long before the war. And how is it as to coal, protected by a duty of 47 per cent.? Is that, too, one of the things necessary to our independence in war? There is much of it used among us, "Yankees;" we are probably the best customers for this article, for we live in a cold climate. It goes into all our factories and workshops, and into most of our dwellings on the sea board, on the banks of our rivers, and the margins of our canals, wherever you can penetrate by water. We take immense quantities of it from Pennsylvania, and pay her well for it. We do not object to the duty, because it is a part of the entire system. But, sir, there are immense beds of the richest coal in the neighboring British province of Nova Scotia, convenient to water, and which would supply, to a very great extent, the demands of the New England States, and a considerable part of New York, if this duty were removed, or even if it should be put as low as you have, by this bill, put the duties on woollens. As to spirits, no one thinks that "the ardent," in this form at least, is necessary as a war article. The Secretaries of War and of the Navy have adopted the best way of promoting national independence in regard to that, by discontinuing the allowance of grog to the rank and file of the army and the sailors of our public ships, and substituting more substantial comforts in its stead. There is one general remark that applies to the bulky articles of iron, coal, salt, sugar, and molasses; it is this, that a given rate of duty on either of them affords a much greater protection than the same rate assessed upon the light dry goods, such as cottons and woollens, or on paper; and for the obvious reason, that the freight, cartage, wharfage, and other expenses of such heavy articles, are, of themselves, a great protection, compared with which the foreign light goods pay but little when brought from abroad. Let me not be understood as objecting to any or either of these duties: I go for them all. I would not pull them down to the humble level assigned to the woollens, the cottons, and the paper, but prefer raising these last towards the more favored rank of the first. But if you insist upon giving us what you call free trade, give it with an impartial hand—why not give it in iron, which enters so largely into the construction of those gallant ships that swell their canvass in every sea, and bear your flag to every quarter of the globe? Why discriminate in the long list of other articles which we have just been examining?

It is intimated in the report, that the act of 1816 has been taken as the basis of this bill; and it may be said that, inasmuch as there were inequalities in the former, they had been adopted here. But there is a great mistake in this. The truth is, that iron and some other articles are more highly protected by this bill than they were by the act of 1816, whereas both cottons and woollens are put materially lower. My friend from Tennessee [Mr. POLK] shakes his head, but I repeat it, the cottons and woollens are put lower than they were in the tariff of 1816; and he shall yet be convinced of it, if he will favor me a little longer with his attention. To get at the truth of this matter, you must look beneath the surface of this bill. You must bear in mind that the duties on iron now, as in 1816, are at a named sum on the ton, or hundred weight; as for instance, 24 dollars the ton on rolled, and 15 dollars the ton on hammered iron; and they stand at that sum year in and year out, without any reference to the fall of price in the foreign market; consequently, if iron was worth 60 dollars the ton in England in 1816, and but 30 dollars there at the present time, a fixed duty of 24 dollars would be double the protection now that it was then. Well, sir, this is very nearly the fact as to some descriptions of the article. There is now in my hand a copy of the invoices of importations made in New York, from which it appears that certain kinds of iron were selling in England, in 1816, at from ten to twelve pounds sterling the ton, which, in 1831, were selling in the English market for about five pounds ten shillings the ton. So that, with the same nominal duty on the ton, at the two periods, you give altogether a different rate of protection. As has been before observed, I do not complain of the iron duties; on the contrary, my doctrine is, that an effectual protection, by promoting home competition, gives us a cheaper article in the end, and by checking excessive importations from abroad, may tend to lower the prices there. But this is as applicable to other articles, to woollen goods, as to iron.

The report informs us that the committee have arranged the iron duties partly in reference to the act of 1816, and partly by what they call the supplemental act of 1818. But the act of 1818 was no more supplemental to that of 1816, than was the act of '24, or '28, '32. It did not purport, in its title, to be a supplement to the one which went before it, or an addition to it, but a distinct, independent, law, to raise the duties on certain articles of import, which were, iron and alum. Can it then be denied that iron is better protected by this bill than it was in 1816? The same remarks are applicable to sugar, and to molasses; the duty of two cents on the former, and four on the latter, affords a higher protection to them now, under the present prices in the foreign market, than they had with three and five cents in 1816, as prices then ranged. But it is all the other way with cottons and woollens. The duties on this description of goods are not fixed at a particular sum on the yard, but at a particular rate on the foreign cost. They are here ad valorem duties of twenty per cent. on the foreign value, and the sum to be paid at the custom-house depends not on the weight or measure, but on what they cost in the foreign country; it rises and falls with the foreign prices; and it shall now be shown that a less protection is given on these articles than they had in 1816:

First, as to woollens. By the act of 1816 all woollen goods were to pay 25 per cent. for three years, and then come down to 20 per cent. ad valorem. But Congress interposed before the three years, and held them up. How is it with them in this bill? All woollen goods costing, in the foreign market not over 35 cents the yard, are to be put at five per cent., and all others at 20 per cent. in two years from next March. Say not that no woollens can be imported costing 35 cents or less the yard, and therefore the five per cent. is of no consequence. You will find, on looking at the treasury returns, that there were imported during the last year, one million of dollars worth of this very description of goods, and that, too, under the old rates of duty. It is a class of goods which interferes directly with our satinets. And who can calculate the amount that will be crowded in upon us by means of false invoices and otherwise, when they can be entered at the nominal duty of five per cent.? No such discrimination as this was made in 1816: on the contrary, it was under that act that our satinet establishments began to take root. Some one near me says it was the act of 1832 that opened the door to the cheap woollens at 5 per cent. to favor what are called the negro cloths. It did so; but the bill of 1832 protects the other woollen interests; it does not put them at 20 per cent. where they are placed here. That was a bill of compromise; much was given up; but we will abide by it as it is, entire as to woollens, though you cannot expect us to be satisfied with it, after you have mutilated its most important features. It is a remarkable circumstance, that in this bill there is not an article, in the whole list of imports, on which a duty is assessed at so low a rate as the five per cent. woollens, except one, and that is straw matting, which we trample under foot, and it pays a duty of five per cent. on importation. All the mere revenue duties stand far above it. Is this equal and exact justice? Is it distributing benefits and burdens with an impartial hand? Let the most determined enemy of protection answer the inquiry; it admits of but one response.

Now for the cottons: Compare the protection given here with that in the act of '16. By that act it is well known that the minimum principle was first applied as a regulator of the duties on cottons. It was of immense service; it drew millions of capital into that branch of manufacture, and has given us a cheaper and better article than we ever had before. But it is stricken out of the bill now before us, and of course leaves that manufacture at a lower protection than it had in 1816. Is not the gentleman from Tennessee now satisfied that woollens and cottons are put lower in the bill than they were in the act of '16? Has it not been demonstrated? And why has this invidious distinction found a place here? The protective tariff was not put upon the country by New England votes; they stand recorded against it at the beginning, though they have since sustained it. It was first adopted when commerce was the idol of the East, and free trade the motto inscribed upon her banner. The policy of others, and the votes of others, drove the people of that section of the country from their ships to the workshops, where they have invested their property, relying upon the public faith to maintain the system as to the settled policy of the country; and you are now for turning them back to their ships, to learn something of free trade again. Such injustice surely can be sanctioned by no portion of the House or the country. Pennsylvania cannot and will not be detached from her fixed policy by such a bill as this; no matter under what political flag she contends, she always carries the flag of American industry hoisted higher. I do not believe that she will see that flag lowered in the present contest, or permit a single stripe upon it to be stained by a faithless act. The protective system has been upheld by that respectable commonwealth from the days of McKean and of Snyder to the present time, and it will not be abandoned now.

It was, too, the doctrine of the "empire State," in the days of George Clinton, of his distinguished nephew, De Wit Clinton, and of the patriotic Tompkins. The Legislature of New York used formerly to adopt resolutions favoring the tariff as regularly as they assembled in Albany. So completely was the protective system identified in those times with the democracy of the country, that it was the doctrine of Tammany Hall in its earliest and purest days. Even in the commercial emporium, the republican candidates were selected always from the friends of domestic industry. The honorable gentleman now at the head of the Committee of Commerce, [Mr. Cambreleng,] was the first candidate ever nominated at Tammany Hall for Congress, of free trade principles; and the difficulties which he had to contend with, when first announced as a candidate, were almost insurmountable. There was a muttering in the Tammany ranks, indicating a strong disposition to revolt against the regular nomination; and, but for the timely and untiring aid which he received from the leading free trade federal press, then edited by the late William Coleman, he might have been defeated. It is very much to his credit that he has sustained himself, at every subsequent election; and not only so, but the city is now very thoroughly of his own way of thinking, and I believe some districts in the interior.

But, to return to what the committee have considered the average rate of the duties under their bill, from 10 to 20 per cent. They have probably been led into error here by the tabular statements prepared at the Treasury Department, and appended to the report, in which an average is stated as applicable to the bill, of 16 or 18 per cent. and some fractions. But this statement is delusive, though the Secretary may not be in fault for it; for he had been obliged, from the press of business, to intrust that work to another person. The error is brought about, first, by making the calculations on the imports of a single year, and that year of excessive importation; and, second, by not making a proper allowance for goods re-exported, and for those made free under the act of 1832, and the present bill. The only fair way is to take a series of years, and strike a general average. The memorial of the Free Trade Convention, penned by an experienced financier, [Mr. Gallatin,] a document wrong in its theories, but strong in its statistics, estimates our dutiable imports at 57½ millions of dollars in value, after deducting free goods of course from the gross amount, and also deducting the large amount of foreign goods re-exported with drawbacks. The chairman of the Committee of Ways and Means [Mr. Verplanck] is undoubtedly right when he says that our imports will generally increase 6½ per cent. in a series of six years of regular trade. But, under this bill, to be liberal, say the increase will be 10 per cent., which add to Mr. Gallatin's estimate, and you will then have $63,250,000 as the basis of the calculation. But from this an allowance must be made for goods made free, either under the act of 1832, or this bill, amounting to about 4,800,000 dollars, which will leave the dutiable imports at about 58,450,000 dollars, instead of the sum assumed by the committee. The duties accruing under this bill, if averaged on this amount, would be about 25 per cent., including the expense of collection, instead of from 10 to 20. The woollens and cottons, therefore, are worse off under the bill reported, than they would be if the principle promulgated last year by the gentleman from South Carolina [Mr. McDuffie] should be applied to them; that is, if all dutiable imports should be brought to a common ad valorem level, they would, in that way, get 25 per cent. at least; but now they are below the general average they get but 20, or less than 20. Even the Free Trade Convention gave us better encouragement than this. Mr. Gallatin's memorial says: "The average duty required to produce a net revenue of 13,000,000, would amount to near 27 per cent., if wines, teas, coffee, cocoa, spices, and fruits were exempted from duty. A net revenue of 15,000,000 would require, in that case, an average duty of 31 per cent., and of 27 per cent. if those articles were subject to the same duty as every other import."

Thus much for the details of the bill, so far as the protected interests are concerned. But there is an amendment submitted by my colleague, [Mr. Huntington,] about which I will say something before I sit down. This amendment proposes to strike tea and coffee from the bill, and reinstate them to the free list, where they were placed by the act of last July. I shall vote for the amendment, and do so under the hope that when these articles are erased, the duties which they do not require may be transferred to the woollens, the cottons, and other suffering interests, and thus contribute something towards the general policy of protection, if this bill, or any thing like it, is to be carried through.

These articles, tea and coffee, six months ago, were made free from March next; and the most humiliating part of the business is, that now, even before our act of the last session has taken effect, we should be required to tread back our steps, and acknowledge ourselves wrong. And why is this required? Surely it cannot be by the advice of the officer at the head of the treasury, for he sent us last year the *projet* of a bill in which a mere nominal duty of a half a cent a pound on coffee, and a cent on tea was proposed; not enough to yield any thing worth naming to the treasury, after deducting the custom-house fees: but it was thought best to make them free in name as well as free in fact, and we stripped these little incumbrances from the bill. Should the friends of free trade complain of this? Let me read to you, for the benefit of the committee, what the President has told us on this point: it is better than any language of my own. In his message of December, 1829, he uses this language: "Looking forward to that period, not far distant, when a sinking fund will no longer be required, the duties on those articles which cannot come in competition with our own productions, are the first that should engage the attention of Congress, in the modification of the tariff. Of these, tea and coffee are the most prominent; they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties will be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious and not injurious, it should be gradual and certain." We accordingly commenced the reduction then, and finished it last July. Do any of the friends of this bill wish other authority than this? If they do, it is ready for them. They will find it in a speech of one of Virginia's most able sons, whose shrill and piercing eloquence was, at the session of 1830, put forth in favor of making these articles free. The committee have doubtless anticipated the name of the honorable Philip P. Barbour, of Virginia, the president of the Free Trade Convention, which assembled in Philadelphia in the autumn of '31, and since a candidate for the Vice Presidency of those portions of the friends of free trade who thought Mr. Van Buren's sentiments too much tainted with the tariff. Here is his reported speech:

He says in it that "the report from the treasury informs us that the duties, to an amount exceeding seven and a half millions of dollars, may be repealed upon articles not at all produced or manufactured in the United States, or, in so inconsiderable a degree, as to be utterly unworthy of notice; and, indeed, I have reason to believe, sir, that the repeal may be extended to ten millions, without materially affecting any manufacturing interest." He then appealed to the tariff members, and used this emphatic language: "To this extent, then, I have a right to expect the aid even of the tariff members of this House." Aye, "the tariff members" of the House were called upon by this distinguished Virginia statesman to aid him in removing the duties from these very articles which this bill now proposes to tax again, after they have been declared free. Who could then have expected that, in three years afterwards, we should have such a division as we now have, and on such a question? Some political economists, it is said, have since discovered, or think they have discovered, that tea and coffee are received in exchange exclusively for Northern products, and that has, on some occasions, been assigned as a reason why they should not go free. But this is all a mistake. Whoever will look at the course of our foreign trade, will see that these articles are not purchased with the exclusive products of any section of the country. How do we get our teas? Not as formerly, when we sent dollars, and hardly any thing else, to China. The course of the business is now entirely different: the merchant usually now sends his ship first to Europe with a cargo that can make funds in England, and we all know that cotton is the great article for that purpose: the avails of this cargo, when realized, are left in England, and from thence the vessel proceeds to China, where teas are purchased, and paid for by bills on Liverpool or London. Thus the ship starts with cotton and returns with tea. These indirect outward voyages are now the usual ones for the India trade. Our exports direct to China are very small compared with our imports, as you will see by the commercial statements, and it is owing to this indirect route, touching at Europe, now pursued. In the occasional direct voyages made, we sometimes send a few cotton goods, amounting, in the last year, to less than one hundred thousand dollars. But they are made of the Southern staple: we also send ginseng, which is as much a Southern product as of any other part of the country. But the bulk of the trade takes the European route in the outward voyage as just described. Our teas, therefore, instead of being purchased by the products of the Northern or manufacturing States, are, in the main, procured by means of the Southern products, because none but Southern staples are favored to any considerable extent in Europe, where funds must first be made.

Now for the coffee: We get more of that from the island of Cuba than from any other place. And let me tell the gentlemen of the South that that island takes more of their rice than any nation in Europe except one. It is the second market in the world for Southern rice. It also receives from us a large amount of debenture goods, in some years reaching as high as two millions and a half, and seldom, if ever, less than one million and a half; the greater part of which are brought here from Europe, in exchange for the cotton, rice, and tobacco of the plantation States, and then reshipped for Cuba, after drawing back the duties. Have not the Southern States, therefore, a deep interest in the coffee trade of Cuba? More than this: the same island is a most important market for the flour of Virginia, the corn and lumber of North Carolina, and their herring fisheries formerly, and probably to a considerable extent now. It may also be added that the lumber of Maine, the salted provisions that float down the Mississippi from the Western States, and the breadstuffs generally of the Middle States, as well as live stock from the East, all meet with a good market in this same island of Cuba. Every portion of the country has an interest in this trade, and all classes of our citizens are consumers of its returns. We get coffee also from Brazil in exchange for flour, debenture goods, and bills on England, and from Hayti, where the exchanges are similar to Cuba, though, of course, on a much smaller scale. Is not this amendment, therefore, the last that should be objected to on sectional grounds? Ought it not rather to draw to its support the votes of every State in the Union? Much more might be said, but surely it cannot be necessary, nor have I the strength to say much more, if it was necessary. Having already gone beyond the limit that I had prescribed for myself when I rose, the best return I can make for the attention I have received, is to trespass no longer on the patience of those who have been kind enough to listen to me.

Mr. CRAWFORD next rose. He said he had always risen in this House with some degree of embarrassment and misgiving, but never with such a sense of despondency and responsibility as at this moment. Is it matter of wonder (said he) that any considerate man should be appalled by the reflections that must crowd upon him during the discussion of the bill before the committee, and look with intense anxiety to its decision? On either hand the most weighty considerations arrest his attention; here we see interests larger than I dare sacrifice—there we are told of the dismemberment of the Union. I have brought to the consideration of this question the most dispassionate judgment, and have exercised upon it the best powers, poor though they be, of which I am possessed. It is a subject upon which I claim to be disinterested, not perhaps in a greater, but certainly, in as great a degree as any gentleman on this floor; for I am not only not concerned in any manufactory of any description, but of the many owners and proprietors, and occupants of iron and other establishments in my district, so far as I know them, every individual is my political opponent and enemy: this shall not, however, operate to their prejudice here or elsewhere; they have but exercised the right of freemen—a right which, as I claim it, and will on no consideration yield its exercise, I most cheerfully accord to others. If I could be actuated by any unworthy motive, drawn from such a source, I should lose my own sense of self-respect, and feel that I deserved the reprobation and contempt of others.

The despondency to which I have referred, arises from the apparent determination of a majority of this honorable body to hurry this bill through its various stages. It is a little more than a month since we assembled in this hall, and a committee, organized but about eighteen days, have reported a bill on the most important subject that can engage our deliberations; a subject on which another committee, after more than five months deliberation at the last session of Congress reported very differently, and whose bill, with such modifications as we thought fit to make, was then adopted; a subject on which the Secretary of the Treasury endeavored to inform himself for more than three months before he would spread his suggestions before this House; and then, not because he had brought the light upon it of which it was capable, but because of the advanced state of the session, (27th April,) and the desire, on his part, to comply with a resolution of this body. I mention these facts for no purpose of censure on the members of the honorable committee that reported this bill, for whom I entertain, as public and private gentlemen, the highest respect, but to show that this subject demands, as I trust it will receive, the most serious consideration, and to bespeak the patience of those who advocate the measure before us.

It is no intention of mine, Mr. Chairman, to debate either the constitutional power which some honorable gentlemen think is involved in this question, or to enter upon general inquiries of political economy; that question and these inquiries have often been argued and prosecuted in this hall, and were most elaborately considered in this Congress but a few months ago. Thinking, as I do, that this Government has the clear power, under the constitution, to countervail the commercial regulations of other nations, which may prove injurious to any branch of American industry, and so to protect it; and that, in raising revenue, you may so arrange the means of doing it as to foster and encourage any branch of the arts or industry of the country. I admit that, in a strictly revenue bill, more money should not be provided than the Government, under an economical and prudent administration of public affairs, may require. It is, however, and will probably always be more or less, an open question, what the wants of the Government may justly demand.

What does the bill of the honorable chairman of the Committee of Ways and Means [Mr. Verplanck] propose? To reduce the duties on the importation of foreign merchandise generally, to the scale of 1816, and, in some instances, below it. I desire the members of this committee to pause, and reflect. The most extensive operation of this Government is upon property, and the wider the range of our laws, the more studious, the more cautious should we be to do no act which may be detrimental to the great interests committed to our charge. We are placed here as trustees, to the extent of the powers confided, whose solemn duty it is to advance, by all the means we have, the prosperity of this nation; so to shape the action of the Government that the citizen may receive no injury, and that, while we do justice to all, we sacrifice none. Will we be fulfilling this high trust by rendering valueless two hundred and fifty to three hundred millions of property? for at no less sum are the manufacturing establishments of this country computed. Sir, I know of no measure more likely to be extensively ruinous--irreparably ruinous--to our great and leading interests, running through all the ramifications of society. If you break down a large establishment of iron, or wool, or cotton, you prostrate not its owner alone, but you reach every mechanic, every farmer, every laborer, in his neighborhood. If it was wise and statesmanlike in 1816 to regulate your duties, with a view to your existing manufactories, amounting then probably to not more than thirty millions of dollars, (though I have no means of ascertaining accurately,) can it be judicious in 1832 to throw out of consideration interests ten times as great? I speak not now of the amount of revenue; that shall be thought of presently.

To see the full operation of the proposed reduction, it is all-important that we should bear in mind what the duties have been on the various articles to be affected by it. I ask the members of this committee to recur to the legislation on this subject, and contrast the various enactments with the bill submitted. By the law of 1816, you imposed a duty on woollen manufactures generally of twenty-five per cent. until the 30th June, 1819, and afterwards of twenty per cent.; by that of 1824, a duty of thirty per cent. until 1825, and subsequently thirty-three and one-third per cent.; by the provisions of 1828, forty-five per cent. on cloths under four dollars in price, and fifty per cent. on all exceeding that value; and the law of 1832 imposed fifty per cent. ad valorem, and abolished, on this article, the system of minimums. It will be seen, at once, that the measure now under debate, reaches, by a single bound, the regulation adopted seventeen years ago; for I regard as of no consequence the retention of forty per cent. until March, 1834, and of thirty per cent. until 1835. You had as well seal their fate at once. It is like the gradual extinction of human life, and, on a level of kindness, with the lopping off a man's legs and arms before you strike a vital part. How are hundreds of millions to be arranged in two years to prevent the crash which the provision seems to admit must follow if the change were immediate? On cottons, the change is still more to be regretted; for it will be soon perceived that it sweeps from under their feet the ground upon which those concerned stood in 1816, and leaves them in an infinitely worse situation. By the law of that year, foreign cottons paid twenty-five per cent. for three years, with a provision that if they cost less than twenty-five cents per yard, they were to be rated as worth that sum, and afterwards a duty of twenty per cent. By the regulation of 1824, they were charged with a duty of twenty-five per cent. with an increased minimum, from which the enactment of the last session did not materially vary, and the law of 1828 did not touch cottons. I request gentlemen to look for a moment seriously at the change they are about to effect, and inquire if they have examined narrowly into the certainly destructive consequences which must follow if this project be consummated. You have, heretofore, deemed a certain degree of protection necessary, not to the profitable and thrifty condition of your cotton manufactures, but to their existence; and of that duty so deemed by the very body I am addressing, and so deemed not six months ago, it is now sought to take away three-fourths. Can any pursuit or occupation bear such an application of the retrenching knife? I believe there is no mistake in my proposition. The present duty on cottons, under and not exceeding thirty cents the square yard, is seven cents and one-half; on those over that value, eight and three-fourth cents. What is the rate provided by the bill? The duty of 1816, which was five cents per yard? No, sir. But to bring down the duty to twenty per cent. ad valorem, abolishing the minimum that was adopted in that year, which will leave you about one-fourth the present duty. On articles costing ten cents the square yard, two cents is charged; on those of the value of eight cents, one cent and six mills; and on those priced at six cents, one cent and two mills. The finest will not cost, in England, above sixteen cents; and as the coarsest are most used, the probable average value will be about ten cents, and the whole range of duty about two cents the square yard. Those manufactures which you have invited into existence, and reared in a hot-bed if you please, you now seem disposed to abandon to their fate. Is this, can it be, right? At the last session, as an inducement to the passage of the pending bill, it was said it would give permanency to the system; and, to my own knowledge, some gentlemen then, and not until then, regarded the policy of the Government as settled, and embarked their means in this species of property.

Of iron, the article made to the greatest extent in my own State, the same observations are true. It is intended to reduce the duty on the most important branch of its manufacture, I mean rolled iron, below the standard of 1816, on manufactures of this material and most of its branches, to the scale of that year, and on all of them to the duty of 1818. This metal, so necessary in war as well as peace, it is vitally important to the country that we should have the means of making at home. It was from the conviction that it was indispensable that we should supply ourselves, and because of the difficulty of procuring it, even at the most enormous prices during the last war, that the attention of those then entrusted with the Government was drawn to it, and the duty of 1816 imposed, which has been continually since on the increase until last session, when a majority of this House decided that there should be a small reduction. More than one-half of all the iron establishments have sprung up since 1824, and especially since 1828, with the happiest effects upon the price and accommodation of the public. In my own district there are, as well as I can reckon them, fourteen furnaces, and as many forges, besides other very numerous manufactures of iron in almost every shape. My honorable friends from Connecticut [Messrs. Huntington and Ingersoll] observed, in the course of their remarks yesterday and to-day, that iron was a favored article, and intimated that it was so favored to propitiate a large State with a large vote. I think they labor under a mistake as to the supposed liberality of the bill; for, like cottons, this article is less kindly treated in its most important feature, than it was in 1816.

On spirits distilled from grain, the contemplated change is not of less injurious consequence. The present duty is fifty-seven, sixty, sixty-three, sixty-seven, seventy-five, and ninety cents per gallon, according to the proof, amounting to an exclusion almost of the foreign article—which it is proposed to cut down to twenty, twenty-three, twenty-six, thirty, thirty-four, and forty cents; making an alteration of from sixty to seventy per cent.; and on all other spirits a similar reduction. Not less than one million of bushels of grain, probably many more, are consumed in Pennsylvania annually at her distilleries, which must and will be severely crippled, if not destroyed, by this bill, if it shall become a law. At our extensive and very valuable paper manufactories, an equally fatal blow is struck, without the smallest conceivable advantage to the public, or any portion of it.

I will not, Mr. Chairman, fatigue the committee and myself, by remarking upon any of the other very many and very useful manufactories with which our country abounds, and which have been erected at the expense of many millions. What is to be gained by their prostration? A reduced revenue it is said. We complain of a plethora which has afflicted no other people. Will the remedy exhibited be efficacious? I do not doubt the skill of the physician, but I shall have no difficulty in showing, before I take ~~my seat~~, that as the practitioners of the medical art have a proverbial tendency to disagreement, so the political doctors of the present day differ widely about the mode of treating this same malady which preys upon the United States.

The honorable chairman of the Committee of Ways and Means [Mr. Verplanck] informed this committee that this bill was framed, with a view to the production of eleven million of dollars from customs, and that the foundation of his calculation was the importation of last year. I do not think any just calculations can be made upon the imports of any one year, more than that an increase of duty, judging from experience, is followed by an increase of revenue; though I believe that an increase of imports will be the consequence of a diminution of duty, and that the revenue will be enlarged, instead of lessened The Europeans who find a market in this country, are so situated that they must export, to a certain extent, under almost any circumstances—less, however, when the duties are high—and the increased quantity, at the lowest rate, will often pour more money into the treasury than when the duties are higher. And I believe it is morally certain that it will always do it, so long as you vibrate between two medium points; say, in reference to the present inquiry, between twenty and forty per cent. It is true, you may reach a point so low that more than a certain amount of revenue cannot be raised, or so high as to amount to a prohibition; and either way you will not be burdened by money. I dread the disclosure of the fact, which the operation of this bill, if enacted into a law, will probably make, that the revenue is larger, instead of smaller; and then will come the necessity, as it will be called, of falling to this minimum duty, to prevent an accumulation of money into the treasury. As proof of the correctness of these remarks, look at the product of your custom-house at various periods, and under different rates of duty; in 1826, your revenue from customs was greater than it has been at any time since, except the two last years, although the law of 1828 was passed increasing greatly your imposts.

In the year first named, it amounted to $23,341,331 77; in the year 1828, (the law of that year did not go into operation until the first of September, and could have little or no effect, as the annual treasury accounts are made up to the 30th September,) to $23,205,523 64; in 1829, to $22,681,965 91; in 1830, to $21,922,391 39; and, even in the year 1831, it exceeded the produce of 1826 by only $883,110. The additional imports of the two last years have been made, I imagine, with a view to aid the extinguishment of the public debt and other causes, in effecting a reduction of the tariff. Circumstances will vary your revenue; I mean the circumstances of your citizens, of the commercial world, and of all the world, more than your enactments. Look at your public income from 1816 to 1821: from customs you derived in 1816, $27,569,769 71; in 1817, $17,547,540 89; in 1818, $21,828,451 48; in 1819, $17,116,702 96; in 1820, $12,449,556 15, and in 1821, $13,400,447 15; reducing your treasury so low, that by an act of Congress of the 3d March, 1821, a loan of five million of dollars was authorized "to be applied, in addition to the moneys now (then) in the treasury, or which may be received thereon from other sources during the present (then) year, to defray any of the public expenses which are, or may be, authorized by law;" and yet, during all this time, the duties (except some small additions, and, it is a remarkable fact, that the revenue was lowest after those deductions were made) remained the same, while your revenue varied more than fourteen millions, and at last sunk so low as to oblige you to borrow. Examine your treasury books throughout, and you will find every where evidence that a diminution of duty is by no means certainly, or, I think, usually followed by a reduction of revenue; on the contrary, I believe it will, in the circumstances of this country and Great Britain, be the cause of an increase of your funds. There is another view of this matter: It is thought that you will destroy, if you pass this bill, many manufactories, and if you do not wholly prostrate them, you will, at all events, limit their business both in quantity and kind. Take cotton for example, of which there are now worked up in the United States seventy-five millions of pounds and upwards, which will yield 225 millions of yards; allow twenty-five millions for domestic or household consumption; of the remainder you will curtail and destroy to the amount of one-half that is, one hundred millions, which must be supplied from abroad, and, at the average duty of two cents per yard, will increase your revenue by two millions beyond the calculation of the committee. The same remarks are true of all other manufactures in the country. I leave this branch of the subject.

This House called on the Secretary of the Treasury on the 19th day of January, 1832, to collect information, and make such suggestions as it occurred to him would be useful in adjusting the tariff. This officer, in whom, I take this occasion to say, I have every confidence, on the 27th April following, made a communication to this body, founded on the best information he could obtain, and suggesting such provisions as the duties of his office, in its every day exercise, must peculiarly qualify him for arranging wisely and usefully to the interests of the country. I request the particular attention of the committee to the report of this high officer and talented man, made after more than three months diligent inquiry and deliberation on this great question. What does he propose? That the revenue should be reduced on the importations of 1830, ten millions of dollars, and brought down to twelve millions from customs, and estimating three from lands and other sources, making an aggregate of fifteen millions as the proper annual provision for the expenditures of the Government. In his report, we find the following:

"For the objects mainly intended to be provided for, an annual revenue of 15,000,000 dollars is estimated to be necessary. Of this amount, until Congress shall otherwise determine, the sum of 3,000,000 dollars may be estimated to be received from the public lands. Should Congress hereafter determine to dispense with this source of revenue, any deficiency thereby occasioned, may readily be raised by a small augmentation of the duties proposed by the bill upon the class of articles which are taxed solely for the purposes of revenue, or may be distributed among the whole."

"The remaining 12,000,000 dollars, it is proposed to raise exclusively from duties on imports in the manner particularly provided for in the bill. It is estimated that, by this mode, the whole annual revenue from customs, calculated upon the importations of the year ending on the 30th September, 1830, after deducting re-exportations, will be reduced more than 10,000,000 dollars, and, upon that portion of them commonly called protected articles, more than 3,000,000 dollars. And, also, that the rate of the whole duty from customs, calculated upon the cost of the imported merchandise paying duties in the same year, exclusive of all charges, will be reduced from about forty-five per cent. to about twenty-seven per cent.. The difference, however, between the rate of duties since 1830, and that under the bill, will not be quite so great, owing to the reductions already made on the duties on tea, coffee, molasses, and salt."

Having brought into view the fact, that the revenue from customs was, in the year 1830, $21,922,391 39, we have an outline of the Secretary's plan of finance in relation to the matter in hand. Accompanying the above report, was a bill prepared at the Treasury Department to carry the plan into effect, and to recommend it to the favorable consideration of this House, as adequate to the end proposed; calculations and tables made at the same office, were laid on our desks a few days afterwards, by which it appeared that the revenue would be brought down to 11,512,839 dollars, showing a reduction of $10,409,522 39. Now, I request the attention of the honorable gentleman for a few minutes, to the labors of the Committee of Ways and Means, and their results. They inform us that, in their estimation, 15,000,000 dollars is a liberal and just annual provision for the purposes of Government. So far, they and the Secretary agree; beyond this they are widely separated. The honorable chairman, [Mr. Verplanck,] in his opening speech on this bill, assumed nineteen millions as the probable future revenue from customs; but this is no otherwise material to the present inquiry, than as enabling the financier to determine the amount of reduction; for, whether you place the public income at nineteen or thirty millions, raised by the same rate of duty, is wholly indifferent, in devising the means of effecting a specific reduction in the amount of that revenue. The diminution intended, is eight millions of dollars, and the bill informs us how the committee design it shall be made. Here, then, is the outline of the project submitted, exhibited in connexion with a general view of that of the treasury; both are based upon precisely the same laws, the general one of 1828, and the three laws of the 20th and the 29th May, 1830, reducing the duties on coffee, cocoa, molasses, and salt, (except such parts of the law of 1832 as are retained, and will be spoken of presently.) The bill reported by the Secretary was to go into operation on the 3d of March next; that of the committee on the same day. The law of 14th July, 1832, has not yet been in force, so far as the imposition of duties is concerned; as to them, if this bill shall become a law, it will be as inoperative as if it had never been enacted; for that part of the 15th section, and the 6th, 7th, 8th, 9th, 10th, 11th, 13th, 14th, 15th, 16th and 17th sections, which are retained, relate to the time and manner of securing and paying duties, appraising merchandise, and providing against frauds, except the 16th, which fixes the value of the pound sterling at four dollars and eighty cents; the 17th paragraph, of the first section of the bill, which subjects manufactures of iron and steel not enumerated, and the 37th paragraph, of the same section, which makes all non-enumerated articles liable to the lowest rate of duty, payable under the law of 27th April, 1816, or that of 14th July, 1832, will not have much material to work upon; for the articles are few and inconsiderable upon which the law of 1832 fixes a lower rate of duty than that of 1816; the second section of the bill will have the most extensive operation, for it incorporates, as one of its provisions, the third section of the law of 1832, by which many articles are relieved from all duty.

These are, it is believed, the only parts of the law of 1832 that are preserved in this bill, and they do not shake the position that the calculation of the officer, at the head of the treasury, and that of the committee, must be based substantially upon the same laws; for, let it be remembered, that the former proposed a reduction of 1,000,000 dollars, and his tables state that the bill he presented would reduce the revenue $10,409,523 39; and that the latter contemplates a diminution to the amount of 8,000,000 dollars; the release of the free articles, (exclusive of teas and coffee,) and the reduction of the duties on wines, under the law of 1832, will lessen the receipts into the treasury about, or according to my estimate, a little less than two millions; against this, and the other reductions (which will be very small) under the law of 1832, you may fairly place $2,409,522 39, the difference between what the treasury told us would have been the effect of the bill emanating from that department, and the proposed reduction of this bill; and if you cannot balance the account so, you are entitled to add the duties on tea and coffee, with which those articles, made free by the law of 1832, are again to be burdened, and the great increase of duty on silks over that, charged by it. The facts exhibited will place the two propositions on the same, or very nearly the same footing; for allowing the committee to have gained two millions and one-half, by such parts of the laws of 1832 as they have adopted, still the Secretary proposes to cut off eight millions beyond that sum, and tells you his bill would have effected it. The object of each is to arrive at the same end. Now let us see how they have severally proposed to reach it: The Secretary tells us, in his report, that his system of duties will range at about twenty-seven per cent., or a little above it; the committee say they "have endeavored to arrange the duties at from ten to twenty per cent." Suppose you allow the bill an average duty of eighteen per cent., which is as much as it can claim, and the duties fixed by the Secretary of the Treasury are fifty per cent. higher than those under consideration. Is it not so, sir? On wollens, the bill proposes a duty of twenty per cent.; that of the treasury charged thirty per cent. On cottons, the latter imposed precisely the present rate of duty, which is, on an average, three hundred per cent. higher, or four times as great as the rate proposed. On iron, the department was less favorable; but still allowing a duty on its most important branch twenty-five per cent. higher than that now before us; with one or two trifling exceptions, this difference will be found to run through the whole bill, varying on the average at least fifty per cent.

Which of these projects is to determine your action on the present occasion? Ought you even to agitate a great question, with such uncertainty around it, at the imminent hazard, and the probable destruction of leading interests? Surely not. What light are you to follow? I confess, if I must choose, I prefer relying upon the Secretary. With every possible respect for the members of the Committee of Ways and Means, I believe the head of the treasury has had opportunities, facilities, time, and many other advantages for his communication, which never can belong to any committee of this House; but I am not for following either; if you cannot see through the mist before you, do not move until the sun has dispersed it.

What, I ask gentlemen, has occured to make legislative action necessary? Does it not look—I say it with great respect—like the play of children, to pass a law at one session, and, at the next, and before it has gone into operation, or any experiment been made of its effects, to enact another; and all this vacillation in relation to an immense national interest? Has any call been made upon us to act now? Has any State, any Legislature, any large body of the people, petitioned us on the subject? Not a word is heard from any quarter. I beg pardon, I did hear a petition from one county of my own State, against the tariff, read by the Clerk of this House a few days ago; but whether it was signed by many or few names, I do not know; whether it was got up by half a dozen or fifty men, we are not informed; whether they all lived in one township of the county, or were scattered over it, is uncertain; nor is it very material to the present purpose; for most certainly, if there is one subject on which the people of Pennsylvania are more united than on any other, it is in the desire to see an adherence to the protective policy. I hope, therefore, that the amendment of my honorable friend from Connecticut, [Mr. HUNTINGTON,] will prevail, and that afterwards this bill, unsolicited at our hands, putting aside, untried, a measure of very recent adoption; hastily matured, and unexpectedly brought into this House not calculated, in my judgment, to effect its avowed end, and which will be, as I am fully convinced, destructive of great interests, spread widely over a fair and large part of the United States, indebted, in a good degree, to those interests for its flourishing condition, which is destined to endure, if they are sustained, and to be blighted and withered if they fall, will be rejected.

There remains, Mr. Chairman, one other reason, which I am conscious should be touched with the most delicate hand, why I would decline legislating on this subject now, Need I say I refer to the situation of a portion of our country. Looking to the permanency of this confederacy, and believing that if any State can assume an attitude which will change the legislation of Congress, the Union is gone, I am compelled to avoid any step which will lead to such a result. On this grave subject I differ with honorable gentlemen who are as conscientious in the discharge of what they believe to be their duty, as I am in the performance of what I judge to be mine. Our several convictions are the guide of the conduct of each. I trust, and fervently pray, that the impending storm will pass over us without material injury. The present condition of our country is to be deplored by every patriot. It is appalling to reflect upon what may be the consequences; but I hope never to see the day when brother shall be arrayed against brother, and that blood, which would be poured out freely, and shed, almost unwept, a a conflict with a common enemy, flow after the blade drawn by citizen against citizen. The exciting topics of debate; the conflict of opinion; the position of men and of affairs; all are calculated to give a deep tone, and to lend roused feelings to the occasion. Heaven forbid that I should so far forget my duty as to say or do aught calculated to estrange, excite, or to wound the feelings of any! What I have said has been a part of the faithful, and what I deemed the necessary, discharge of the highest and most responsible duty of my station.

On motion of Mr. ELLSWORTH, the committee rose, and the House adjourned.

FRIDAY, JANUARY 11.

The bill for the relief of General Macomb next coming up for consideration—

Mr. WICKLIFFE moved to commit the bill to the Committee on Military Affairs.

Mr. WILLIAMS, moved to substitute the Committee on Claims, and supported his motion by a speech. The discussion was further continued by Messrs. WILLIAMS, SPEIGHT, R. M. JOHNSON, DRAPER, ELLSWORTH and BURD, when the amendment of Mr. WILLIAMS was adopted: Yeas 62, nays 52. So the bill is referred to the Committee on Claims.

FLORIDA CLAIMS.

The House then went into Committee of the Whole, Mr. HOFFMAN in the chair, on sundry bills, amongst them the bill for the relief of certain inhabitants of East Florida.

Mr. TAYLOR, of New York, being decidedly opposed to the bill, moved to strike out the enacting clause, in effect to destroy the bill.

Mr. WHITE, of Florida, said the claimants for whose indemnity the bill now under consideration provided, had been petitioners here since the cession of the Floridas to the United States, and he had some reason to congratulate them and himself that the bill had at last been reached on the calendar. That the nature of the claim set up might be properly understood, he should be obliged to go into a short historical detail of the events, and incidents with which they were connected, and the principles of international law on which they are founded.

On the 15th of January, 1811, an act was passed by the two Houses of Congress, in which it is declared "that the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see the Floridas pass into the hands of a foreign power;" and "that, under existing circumstances, they will take temporary possession of that territory, and hold it, subject to future negotiations." On the same day another act was approved, giving to the President the authority to occupy, at his discretion, the country east of the river Perdido, with an armed force, on the happening of either two contingencies: 1st. If it shall be rendered up by the local authorities. 2d. If any attempt to occupy it shall be made by a foreign power. This last act makes a large appropriation for effecting its provisions, and invests the President with a legislative authority over the country to be acquired in pursuance thereof. On the 26th of January, 1811, instructions were issued to General Matthews, of Georgia, and to Colonel McKee, of which the laws above cited, were assumed as a basis. (9 vol. Waitt's S. P. p. 41.) It will be seen by the letter of Mr. Monroe, the Secretary of State, that the powers conferred on these commissioners are almost discretionary. It is melancholy to discover in this first document the commencement of all the American aggressions against the provinces of the

Floridas; to see the Secretary of State dictating to his agent the quibbles to which he should have recourse, and recommending the first of those baseless promises to be so worded as to deceive the Spanish authorities, who should rely upon them, without being binding upon him who made them. If the Governors will peaceably "surrender the territory they were entrusted to protect, we will pay the debts of the Spanish King to his Spanish subjects." If you are driven to force, "you will exercise a sound discretion in applying the power given with respect to debts, titles to lands, &c., taking care to commit the Government on no point further than may be necessary."

I will not comment on the consistency of promising then to pay the debts of Spain, and refusing now to pay our own to the same creditors. I will say nothing of that morality which seizes on a moment of weakness to invade the province of an ally; which offers a reward to vice, and renders justice as a bribe to treason. I cite this passage to prove "that the operations" of the American Government in the Floridas, had a beginning ominous to just and honest claimants. "Commit the Government on no point further than may be necessary." But, sir, here is the important postscript to this preliminary document: "If Governor Folk should obstinately require, and pertinaciously insist, that the stipulation for the redelivery of the province should also include that portion of the country which is situated west of the river Perdido, you are, in yielding to such demand, only to use general words that may, by implication, comprehend that portion of the territory." This doctrine of implication was most beautifully and practically commented upon by the Sultan Mahomet, who, as we are told by Grotius, "upon the taking of Eubœa, cut a person asunder in the middle of his waist, to whom he had made a promise that he would not hurt a hair of his head." I have cited these passages, as well to show the whole uniform tendency of the measures taken and pursued by the United States in her operations in the Floridas, as to prove that Matthews was justified by his instructions in the course he adopted--instructions, as I have said before, mostly discretionary, and seldom specific, unless to dictate a promise that may deceive, without being obligatory on the maker. With such instructions before him, it is not to be wondered at that the acts of Matthews were such as could not be openly justified by our Government. Suffice it to say, that, on the reception of a letter from that officer, dated the 14th of March, he was immediately notified from the Department of State, in a despatch of the 4th of April, "that the measures he had adopted were not authorized by the law of the United States, or the instructions founded on it, under which he had acted," and the powers of which he is divested, are bestowed on Governor Mitchell, of Georgia. The Governor is directed to surrender Fernandina, &c. on terms, viz: that the inhabitants should be protected from the vengeance of the Spanish authorities, and not to withdraw his troops until that security is guarantied. "You are to report to the Government the result of your conferences with the Spanish authorities, with your opinion of their views, holding, in the mean time, the ground occupied." And so fully was Mitchell persuaded of the intention of the Government, on this point, that he writes expressly to the Secretary of State, "that he knew it had never entered into the contemplation of the Executive to have the troops withdrawn from Florida." "In the measures lately adopted by General Matthews, (says Mr. Monroe to Governor Mitchell, 10th April, 1812,) to take possession, it is probable that much reliance has been placed by the people who acted in it, on the countenance and support of the United States. It will be impossible to expose these people to the resentment of the Spanish authorities," &c.; "you will, however, come to a full understanding with the Spanish Governor on this subject, and not fail to obtain from him the most explicit and satisfactory assurances respecting it." From this it appears, 1st. That, though we disavow the acts of Matthews, we are determined to retain possession of that portion of Spanish territory which he had seized on; and, 2d. That the disavowal does not extend so far as to prevent us from obtaining the most full and perfect indemnity for those who had assisted him, though it does extend to exempt us from all, and every obligation, to make satisfaction to those who had suffered by his acts; in other words, the acts of Matthews, though unauthorized, are obligatory on us to protect those who were deceived by him, but not to indemnify those who were injured by him. An unauthorized adventurer, holding an American commission, at the head of American troops, marches into a neutral country and lays it waste; his acts are disavowed by the Government, but the Government is bound to protect those who joined him, relying on their support against the vengeance of their offended laws. But he who resists their advances, acting as they were against the laws of Spain, and the force of treaties; he who resists, and is ruined, can demand no satisfaction. "The United States are only responsible for their own acts—and this is an act of Matthews. True, if you have been a wrong doer with him, we will see that no power can harm you: thus far are we bound; but if you have been injured by him who bears our commission, and commands our troops, or by his associates whom we protect, we cannot remunerate you; we are not bound by the acts of Matthews." By the laws of nations he is deemed a principal offender "who is guilty of certain acts of negligence to prevent them, as well as by actual commission; that urges to the commission of it; that gives all possible consent; that aids, abets, or in any shape is a partner in the perpetration of it." (Gro. B. C. 17, 5, 6.) Vattel ranks all as associates "who are really united in a warlike association with our enemy; who makes a common cause with him." (B. 3, 6.) It is idle to quote passages of law on a point as plain as this is. If a nation would disavow the acts of her officer, she must punish the offender; she must cause him to make satisfaction if he is able, and if not, she must do it for him." Sovereign princes are answerable for their neglect, if they use not all the means within their power for suppressing piracy and robbery." (Gro. 2, 17, 20.) It even frequently happens that the injury is done by minor persons, without their sovereign having any share in it; and, on these occasions, it is natural to presume that he will not refuse us a just satisfaction. When some petty officers, not long since, violated the territories of Savoy, in order to carry off from thence a noted smuggling chief, the King of Sardinia caused his complaint to be laid before the King of France, and Louis XVI. thought it no degradation to his greatness to send an ambassador extraordinary to give satisfaction for this violence. (Vattel, B. 2. C. 18, 8, 338; see further on this subject, Vattel, B. 2. C. 6. Sec. 76, 77, and 78; same author, B. 4, 7, 84, and Gro. B. 2, C. 18, 5, 4.) It is idle, then, to disavow responsibility. The injury is the act of our troops under our own officer. We retain the possession of the country occupied; we protect those who aided us--subjects, patriots, and all; and the law is every where recognized in the books, that, if we protect the wrong-doers, we are responsible for the wrongs done.

Whilst our troops were thus sustained in a foreign territory, whose inhabitants, using every effort of which they were capable, to repel an invasion which our relations with the mother country rendered more unjust and oppressive, it was to be expected that much violence should be used on both sides; that much oppression of persons, and destruction of private property should result. In this individual instance, it is believed that the waste of private property was wanton and extensive. The letter of Colonel Smith uses the strongest language to show the ruin following in the train of our armies: "The inhabitants have all abandoned their houses, and as much of their immoveables as they could carry with them." And further, "the province will soon become a desert." And the investigations had before the courts in that territory, in pursuance of an act of Congress, approved 3d March, 1823, prove that the inhabitants of East Florida were driven from their homes by the American soldiery; that their houses, farms, and orange groves were wasted; that their stock was destroyed, and their slaves, to a large amount, were enticed or forced away, and many driven to seek protection amongst the Indian tribes, from whom they never have been reclaimed. Such are the facts in the case of the inhabitants of East Florida. These sufferers are now no longer foreign subjects. They have now no separate Government to which to appeal for a redress of grievances. They had fondly hoped, that when their impotent master had transferred them over to a free and growing republic, that a full adjustment of their claims, a full security for payment and satisfaction, was guarantied by the treaty of cession: And they might still more fondly have hoped, that, if any doubt could arise in the construction of a clause so remedied and so just, that our Government would allow some little weight to the equity of the claim; that we would not construe an ambiguous promise to pay, "a promise by implication," into a total release from an obligation so cogent and so binding before the promise was made; but, alas! they are deceived. Two succeeding administrations have construed the treaty so as to close against them the door of hope. Thus, sir, are these people injured and deceived; ruined by our arms when Spanish subjects transferred to us their debtors; they have none to intercede for them. The transfer, from which they had hoped so much, has betrayed them; because, in the language of poetry, "it has held the word of promise to the ear, and broke it to the hope." It has made us their creditors by our wrong, and then closed against them the avenues of redress, by purchasing themselves and their territory from a master who would have vindicated their claims to justice.

These, sir, are the facts upon which the inhabitants of East Florida rest their claims to indemnity for the spoliations of the American army. From these facts I shall attempt to prove that these people are entitled to remuneration; either first, as Spanish subjects; second, as American citizens, though no treaty had ever been made to secure them; thirdly, that the treaty was meant to embrace their case, and does, if properly interpreted, fully secure their indemnity; and, fourthly, that if there is nothing in the law of nations, nor in the treaty to secure them, some provision should now be made by Congress for that purpose.

First. There is no proposition so clear as that principle, recognized by all law, common, civil, and national, that every damage done to an individual gives him a right to a remedy and redress. All "penalties incurred by particular offences are considered debts." Blackstone, in the 3 B. 9 cap. of his commentaries, after proving the application of this rule to individuals, adds further: "The case is the same between nations, in this respect, as between individuals. One power is bound to repair the injuries which its own subjects have done to those of another. This indemnity or satisfaction is a debt which justice requires that power to discharge." It is no defence to say, that, as the Spanish Government is, or was too imbecile to enforce this demand, the United States are released from all obligation to pay it. It would be a monstrous assertion, on the part of a rising republic, whose avowed policy is justice to all, and oppression to none, that she claimed the right, by the law of power, to send her armies into a neutral province, there to pillage, burn, and plunder, without responsibility, because, forsooth, she has the physical force to effect it. All civilized nations, at the present day, by the modern construction of international law, are compelled to make full and ample remuneration for spoliations done by their armies on the private property of a people with whom they are engaged in actual war. It would be useless in me to cite to you cases of that sort. They are of too frequent occurrence to require specification, and if a doubt had ever existed on the subject, it is effectually removed by the decision of the late Emperor of Russia, on this very point. I will not waste your time by a reference to the books on the law of nations, and quote you passages with which they term, to prove the position here advanced. It is too clear to admit a doubt in the nineteenth century, that nations at war must pay for all damages done to private property, and Grotius, in his second book, labors to prove that the damages should be vindictive. And, now, sir, shall we be told, by way of justification, that we were not at war with Spain! That we are released from all responsibility, because the invasion was made when we were at peace! When the King of Spain was in a French prison, and his kingdom one universal French encampment! Shall we justify our acts because we magnanimously availed ourselves of a moment of imbecility, when none could oppose us, to seize on the possessions of an ally? Shall we justify, by the example of the partition of Poland, and avow our intention in the then contemplated division of Spanish spoil, to get the Floridas as our portion? Surely we will not aver that an act of invasion against the inhabitants of a foreign country is justifiable in peace, but not in war; that the property of your allies, if they are weak, may be destroyed, otherwise of your enemies, if they are strong. But, sir, this is too plain to discuss it longer. Don Onis always pressed on us the adjustment of these claims "for the wars in East Florida," and I affirm that, if the Floridas had remained under the dominion of the King of Spain, they would long since have been settled, or if not settled, at least not disputed. It is not because the claimants were Spanish subjects that the justice of their demand is denied; they were never denied to Don Onis. It is because they are no longer Spanish subjects, but American citizens, that justice is withheld from them. It is because they present that amphibious relation, in which, by our acts, they are made to stand, of claimants as Spaniards, against another Government of which they have become citizens. They are complaining to their present friends and masters, for acts done to them as aliens, by those to whom they complain. They are petitioning their present Government for redress of wrongs done to the past.

Let us then see, if, by changing their political character, they have so far lost their identity as individuals, that what was once due them is due them no longer. Viewed in their new character of American citizens, appealing to the American Government for the redress of wrongs done by American soldiery, it would seem enough to point to your tables, groaning with petitions of a similar kind from every quarter of the Union. If a horse has been impressed, or a bullock eaten by our troops in the last war, Congress has been petitioned to pay for it, and has never refused. If damage is done to the citizen by the soldier, and that damage was even indispensable to the defence of our common country, the Government is bound to pay for it. It would seem to be enough for these people, that they had been wronged, and by us, to entitle them to indemnity. That they had now no sovereign to whose political interposition they might appeal for redress. That they had first been ruined by American arms, then bought by American money before compensation was made them. If the King of Spain did not guarantee their full indemnity in the terms of the transfer he has made of them, the obligation to do so has accrued to the purchaser. Suppose the King of Spain had sold the Floridas with all their demands against the United States, to Great Britain or to Napolean, would we have disputed with them our obligation to make reparation for spoliations in 1812 and '14? And what is the worth of justice when it is granted only to the strong, and denied to the helpless? It is an obligation imposed on that power which has done the injury, to redress the damages that have been sustained by individuals for individual benefit, and the right of redress results, and remains indefeasible in the sufferers, to whom soever they may be transferred. If Spain has abandoned their interests, it is the duty of the transferee to maintain them. Spain has no motive in securing the rights of subjects no longer belonging to her crown, and guarding the American citizen from poverty and ruin resulting from American aggression.

It is our duty to prove to the remnant of the Spaniards in Florida that the principle of republics is justice; that we will not withhold from our citizens that justice which was never refused to them, when demanded by their King, nor make them beggars when we made them free; that we will not free ourselves from a debt, by buying those to whom it is due, nor plead the omissions of an imbecile monarch to release us from the most solemn of all obligations—that of redressing those whom we had injured, and whom, by our own act, we had rendered unable to redress themselves. These people have on us a four fold claim; we have done them wrong; we have deprived them of their natural protector by the treaty of cession; we have become their avengers, by every tie of justice and equity to protect the weak, when we have made them so, and to right the injured when we have done them wrong.

3. I come, now, sir, to the third division—to the ninth article of our treaty with Spain. In my letter to the Secretary of the Treasury, which was laid before the Committee on Foreign Affairs, I attempted to show what I then, and still do deem, a manifest discrepancy between the Spanish and the English copy of that article, in the total omission, in the former, of the word "late," which has been considered so important to the construction of this part of the treaty. It is true, as we are told by the committee, that both Spanish and English copies of the treaty are originals; and it is also true, that, if there be a difference in the two, in this place, the Spanish copy furnishes the only proper point of reference for construction; here is contained an express promise of satisfaction to Spain for wrongs done her, and we are bound by that phraseology by which Spain was satisfied. She did not understand the English. The promise was exacted in Spanish; in Spanish it was understood; in Spanish it was satisfactory. If we have altered the English copy, so as to convey a different meaning from that understood, we have, by satisfying the claims of Spain, by quieting their complaints in one language, and evading them in another, been guilty of a fraud, which would disgrace an individual, and will be another instance of a "promise by implication," in our intercourse with Spain. Suppose a Spaniard and an Englishman enter into a contract for the exchange of property; suppose there be two articles of agreement, one in each language; suppose the Spanish copy is fair and equitable, mature in its terms and contains the only grant made to the Spaniard, as an equivalent for his concessions; and suppose the English copy was so worded as to get all and pay nothing: I ask, would it not be considered an unprincipled attempt to deceive, by making a promise satisfactory to a man in a language he understands, and construing the meaning of the contract from another language which he does not understand, so as to get his property without a price? "The obligation of promises depends on the expectation which we knowingly excite. Consequently, any action or conduct towards another which we are sensible excites expectations in that other, is as much a promise, and creates as strict an obligation, as the most express assurances." (Paley's Moral Phil. vol. 1, 126.) Grotius and Vattel are conclusive on the same point. Shall we then be told that, because they are both originals, the moral obligation to perform a promise, as it was understood by the promise to satisfy his just expectations, and to gather those expectations from the words in which they were conveyed to him, are no longer binding on us? If, then, the word "late" is omitted in the Spanish copy—and that it is a bare inspection of the paper itself sufficiently manifests—I do humbly conceive that the question should be at an end. But I come to the construction of the ninth article of the treaty, by which the people of East Florida have been barred of what they deem their rights. I endeavored to show that the word, on which the whole construction was based, was not in the Spanish copy of the treaty; and that, even if it were not an interpolation, and if it were of doubtful interpretation, it should be taken more strongly against the grantor.

I urged that this was one of the very few grants in faver of Spain; and, for this reason, if there was no other, should be liberally interpreted. That it was a grant prescribing a remedy for a wrong already done; and that, as such, it was entitled to an equitable and enlarged construction in favor of the injured party. I urged, further, that, as there were no "operations" of our army in the province of East Florida in the year 1818, to limit the application of the phrase to that particular year, would be to constitute a remedy when the injury had been done, and to shut out all redress for actual and positive damage. I urged that this could not be the meaning of the high contracting parties, because, if they meant any thing, the clause was nugatory, and if they meant nothing, it was nonsense; because, in a word, they gave a remedy where there was no wrong, and left a wrong without a remedy. And, sir, how am I answered? Simply that two administrations had decided that the word "late" meant—what? "The latest or last!" That it does not mean a thing recent, and of short intervention of time, but that it means what I had thought could only be expressed by the superlative degree of the adjective, the very last act of a continued series.

Thus, sir, by authoritative construction, the positive degree, in an article of a treaty, is merged in the superlative, and that the word "late," so plain to be understood when applied to a plural noun, no longer expresses, as it was wont to do, the whole of a consecutive series of acts, done within a recent period, but means exclusively that which plain men would express by the superlative, the latest or last act done of that series. When we tell them, under their own interpretation, that the very last acts of the American armies in East Florida, were done in the years 1812 and 1814, we are again told that the operations spoken of are those of 1818, and no others. Now, sir, to come to the conclusion of the preceding administration, it is not only necessary to make the word "late" synonymous with "last," but you must emphatically declare that the word "operations" means nothing, if applied to any year other than 1818. It does seem to me strange, sir, that we should have so strong a sympathy with the sufferers of that year, to the exclusion of all others from justice, when the "operations" of that year were confined to West Florida, and were directed against the savage Indian, who was harbored there to annoy us. We had pursued our foe, yet reeking with the blood of helpless women and children, into the territories of Spain, in West Florida, and found them there. In punishing these wretches, some injury was necessarily done. And is it not strange that we, the United States of Amerca, should torture the English language and violate every principle of English grammar and moral justice, to make an exception in favor of those against whom we had strong cause for the injuries we had done them, and to the exclusion and ruin of others, against whom we had none?

General Jackson would never have crossed the line in pursuit of the Seminoles, had he not well known that they were encouraged to commit the outrages of which they had been guilty. Yet, for some slight damage done by our armies to the people of West Florida in 1818, ample redress is guaranteed, and satisfaction had been made; whilst the harmless and unoffending citizen of East Florida, against whom no complaint was ever alleged, in the moment of profound peace, is driven by the invading armies of the United States from his home, and, on his return, finds himself a beggar, his houses burnt, his crops and groves, the labor of a life, destroyed; his stock and his slaves stolen away, or driven into the woods; and, when he asks redress at the hands of the wrong doer, he is told "that he is too late;" that he is barred by a constructive act of limitations, and that the wrongs of which he complains, are not late enough to be remedied. When he answers that they are not only late, but the very last, in East Florida, of which he is a citizen, he is a again told that the word "operations" is limited to 1818, and means nothing if applied to any other year. But, sir, let us grant the construction contended for, in its fullest extent, that the word "late" is in the Spanish copy as well as in the English; let us grant the grammar of the Government to be good, that their definition of the word is correct; in a word, let us admit that the word "late," when applied to operations, does not mean the very latest, or last thing, done; and then let us go to the sages of national law to construe the meaning of the text. "Where we have no other conjecture to guide us," says Grotius, B. 2, C. 16, "words are not to be construed in their original or grammatical sense, but in their common acceptation: for it is the arbitrary rules of custom which direct the laws and rules of speech." Now, if the grammar of the restrictionist be correct—if, in the definition of the word, they are strictly right--I appeal to every man of common sense, if the "common acceptation" of the word "late," as fixed by the "arbitrary custom," be not, as I have defined it, something recent and of short date, something done not long since?

"In all human affairs, where absolute certainty is not at hand to point out the way, we must take probability for our guide." "In most cases it is extremely probable, that the parties have expressed themselves according to *established usage;* and such probability ever affords a strong presumption, which cannot be overruled but by a still stronger presumption." (Vat. 2, 17, 271.) I need not here stop to inquire if it is the established usage of language to confound the positive with the superlative? Let us for for a moment test the construction of a treaty by these presumptions and probabilties. Now, is it probable, is it to be "presumed," that Spain would pertinaciously adhere to the interests of those of her subjects, against whom we had a good cause of aggression, and abandon to their fate a larger portion of claimants, who had never offended? Did she consider her honor bound by geographical limits, and did she feel solicitous to wipe from her escutcheon only that part of the stain which had attached on the west of the Suwannee? Again, is it probable that the United States would make this distinction under the existing circumstances of the case? Are these the probabilities and presumptions required by the law of nations? It is extremely probable that the parties have expressed themselves conformably to established usage.

Is it established usage for a nation, in making a treaty with another, to secure indemnity to one-half of her citizens or subjects, and leave the other half, more innocent and more suffering, to irremediable ruin? Is it established usage for a nation to stipulate redress to one-half of the subjects of another, for wrongs done *by herself,* after the great national council had solemnly resolved, that, against that portion, so redressed, we had just cause of war, and refuse it to the otherhalf, whom she had more grievously injured, and against whom, so far from having a cause of aggression, she became ashamed of the acts of her officer, and disavowed and dismissed him? Enough, sir: I am ashamed to be guilty of what I fear is almost tautology; but this is a subject so important to the very subsistance of a large portion of my constituents, that I deem it my duty to present it to the committee in every possible aspect that it will bear, even at the hazard of repetition. Sir, so novel and ruinous to a number of citizens is the present construction of the treaty, the present definitions of the word "late," that I thought it best to attempt to show, that in every possible bearing of the subject, the construction was wrong, the definition erroneous, and the consequences monstrous. If, in presenting this subject in so many points of view, I have been compelled to use twice the same ideas, or the same expression, I plead my apology in the nature of the question, and the novelty of the controversy.

We are further told, sir, that "in the construction of a doubtful treaty, we are to have recourse to conjectures, which are to be found in the subject-matter, and in the consequences, and the circumstances and connexions." The subject-matter is redress of wrongs done to the private property of Spanish subjects in Florida by the American army. The object of Spain was to vindicate her sullied honor, and to secure indemnity to her injured subjects; and what are the consequences of this construction of the treaty? Spain was not interested in securing a full satisfaction to the people of Florida; they were her subjects no longer, and it was to the mother country a matter of pecuniary indifference, whether they remained citizens of the United States, the beggars we had made them, or not. But the honor of Spain was pledged to see them redressed: and is this effected by the course we pursue? Are these the consequences naturally desired by both parties? And when the honor of Spain, if these are the consequences of this treaty, is still sullied, what becomes of our own? To redress by treaty those wrongs which Congress solemnly resolved that General Jackson was right in doing, and to leave those unredressed that Aury or McGregor would blush at. Again, sir, we learn from Blackstone, Intro. to Com. c. ii. p. 16, that "the most universal and effectual mode of discovering the true meaning of a law, when the words are dubious, is, by considering the reason or spirit of it, or the cause which moved the legislator to enact it."

As we progress, sir, the authorities in favor of a liberal construction of this treaty are multiplied upon us. "If the promiser has neglected to examine the matter, or has been careless in expressing his meaning, he will be bound to repair the damage which another has sustained on that account." (Grotius.) We are the promiser. Spain expected, and stipulated for full satisfaction to her injured subjects. It is amply provided for in the Spanish copy of the treaty. Those subjects have relied on our promise, and have sustained a heavy damage by that reliance: for we may freely conclude, that as this is the single stipulation in favor of Spain, without this, in its fullest comprehension, she would never have ceded the Floridas. This rule is again and again pressed on us by the books. We are further told by Grotius, 2, 16, 7, that "no inconsiderable light may be thrown on the meaning of an expression, from the circumstances of its being used by the *same* persons, to express the *same* intentions, on other similar occasions, and from its relation to what goes before, and what follows, the place where it stands." "We must consider the whole discourse together, in order perfectly to conceive the sense of it, and give to each expression not *so much the signification* which it may individually admit of, as that *which it ought to have,* from the context and spirit of the discourse." (Vat. 2, 17, 285.) Now, sir, it will be seen by reference to the treaty itself, and to the negotiations which preceded it, that the object which both parties had in view, was a full and final settlement of all demands and differences, mutually claimed and existing (up to that day) between them. Spain had injured our commerce herself, and to a greater extent had suffered it to be injured in her very ports by French privateers. Our vessels, thus seized, were subsequently condemned as prizes by the Spanish Court of Admiralty. All this was previous to 1802. In addition to this, we claimed satisfaction for the suspension of our right of deposite at New Orleans in that year. In a word, every item in the account of the United States against Spain, was previous in its date to 1803. To this account, Spain produces her offset, and the items of that offset are specified in the final renunciation she makes at the conclusion of the settlement of what she had claimed.

Finally, the renunciation extends "to all the claims of his Catholic Majesty upon the Government of the United States, in which the interposition of his Catholic Majesty's Government has been solicited *before the date of this treaty*, and since the date of 1802, or which may have been made," &c. Here Spain renounces that for which she had claimed satisfaction, to wit: all acts done by the United States to her subjects subsequent to 1802, and previous to the date of the treaty, as well for the operations of our armies in 1812 and 1814, as for the year 1818. And for what consideration is this renunciation made? For the satisfaction promised by the United States in the clause which follows. The debt from Spain to the United States was due in 1802. The last item in the account was of that date, and in a settlement in full in 1819, we are told that offsets of 1812 and '14 are too old to be allowed. "And the high contracting parties respectively renounce all claim to indemnities for any of the *recent* events or transactions of their respective commanders and officers in the Floridas." Here it is evident that the word "recent," in this sentence, was used as synonymous with the word "late" in the next; and it is on this synonyme of these two adjectives, that the Committee of Foreign Affairs have based their opinion. Let us apply this rule of construction as well to the Spaniards as to ourselves. Suppose Spain were now to demand satisfaction at our hands for the invasion of her territory in 1812 and '14, by Matthews and Mitchell, by Bankhouse and Bankhead. Suppose she were to say to us, that it is true she had "renounced all claim to indemnity for any of the *recent* events or transactions, &c. in the Floridas," but that renunciation is co-extensive with the satisfaction we make to her subjects; and as that satisfaction is confined to the "operations" of 1818, in West Florida, so is the renunciation. Suppose she reply to us further, in our own language, that "recent" and "late" are the same, that "late" means the last "operations:" when we say to her that the operations of Backhouse and Bankhead, in 1814, were the very last in East Florida, she is ready to refute the doctrine by a quotation of our words, "they apply only to 1818," we have renounced for that year alone; we have renounced to the same extent that you have paid us, and we now claim the balance. Can any thing be more just and equitable, and, at the same time, more ridiculous, than this would be? And yet this interpretation, so ridiculous in the mouth of Spain, the United States have adopted as the rule by which they will be governed.

"The United States will cause satisfaction to be made for the injuries, if any, which, by due course of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida."

Thus stands the interpretation of these two sections of the ninth article of the treaty with Spain. Spain renounces all claim to indemnity for injuries done to her citizens for "recent transactions." We promise to make satisfaction for all injuries done by "late operations;" the renunciation is construed to embrace every act done previous to the year 1819; the satisfaction is construed to extend to acts of the preceding year alone. "Recent" means whatever is done before that time, without any limitation whatsoever; "late" means nothing more than what was done one year before it; and this is the unbounded odds of the word *recent* in one sentence, and the word *late* in the other. This is the odds in the meaning of two synonymous words, when one is meant as a security to us, and the other as an obligation upon us. It is true, what we are told by the books, "that favorable promises are those which contain an equality of terms, or which bear some relation to the common good; the magnitude and extent of which increases the favor of the promise." (Grotius.) "Remedial statutes, says Christian, Notes to Blackstone, Introduction, page 87, "must be construed according to the spirit; for, in giving relief against fraud, or in furtherance and extension of natural right and justice, the judge may safely go even beyond that which existed in the minds of those who framed it." "In a case of doubt we should, in preference, pursue that line of conduct by which we are least exposed to deviate from the principles of equity." (Vattel, B. 2, C. 17, Sec. 306.)

Now, sir, I think I have shown that the construction for which I contend is, "in furtherance and extension of natural right and justice;" and I do solemnly believe that I could show that it was "giving relief against fraud;" but I forbear.

I come now to the great rule of interpretation--the intention of the parties to the deed. If this cannot be inferred from the object they had in view, nor from the principles of universal justice, nor "from the same or a synonymous word used in another place," as required by Grotius, let us see if we cannot dive into the secrets of the negotiation, and find there some friendly clue to guide us through the labyrinth.

It has been my good fortune to discover, sir, in the archives of the Department of State, a copy of the original protocol of conference between Mr. Adams, the Secretary of State, and Don Louis de Onis, the ambassador from Spain. By reference to this, the last section but one in the ninth article, will be found the same as that subsequently transcribed in the treaty: "And the high contracting parties respectively renounce all claims to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas." This, it must be remembered, is the project of a treaty furnished by Mr. Adams. Mr. Onis then proceeds thus: "To the above claim, Mr. de Onis adds, that the United States will satisfy all the just claims which the inhabitants and Spanish officers of the Floridas may have upon them in consequence of the damages they may have sustained by the operations and proceedings of the American army, as is customary with the citizens of the United States under similar circumstances." To this requisition of Don de Onis, Mr. Adams replies by the emphatic word "agreed."

This, then, contains the meaning and intention of the parties. This is the plain and unsophisticated purpose which each meant to express when this sentence was reduced into form, as it now stands in the last section of the ninth article of the treaty. Let us then examine it, and see if it can, by any possibility--by any latitude of construction--support the meaning that has been given to it.

The first thing that strikes us in this rough draught of the object of the parties, stripped as it is of all diplomatic form, and left naked and undisguised to the commonest apprehension, is this, that the word "late," so fatal to the just claims of honest sufferers, is not to be found.

The next is, that, so far from its warranting the doctrine of exclusion, or of classification, the word *all* is emphatically used: "The United States will satisfy all the just claims," &c To which Mr. Adams has "agreed." Now, sir, can a purpose be plainer, or a promise be stronger? Here there cannot, even "by implication," be left "a hook to hang a doubt on." Here is a positive promise, by Mr. Adams, to satisfy "all the just claims of the inhabitants of the Floridas." Surely those of the East are as just as those of the West. I well know that, by the fashionable logic of the day, the word *all* would be limited to West Florida, but for the plural that embraces both "the Floridas."

"As is customary with the citizens of the United States in similar cases." That it is customary for the United States to do justice when she has done wrong, I trust that no man in this nation will be hardy enough to deny: that it is customary in cases like this, is evinced by the ready satisfaction they caused to be made to the citizens of West Florida, and by their constant protection of the followers of Matthews in East Florida; by sending an agent to Frenchtown, during our late war with Great Britain, to adjust all claims, and pay for the losses occasioned there to private individuals by the operations of our armies; and by the alacrity displayed to inflict punishment on Commodore Porter, for his recent attack on Foxardo. I know not if satisfaction has been made to Spain, and to "individual Spanish officers and inhabitants," for that affair; but I am well assured that, when demanded, it will not be denied.

But, above all, it is "customary with citizens of the United States" to make loud and reiterated demands for all injuries done by a foreign power to themselves. Witness those against Spain, now settled by the treaty of cession; against France, for spoliations on our commerce, as yet unadjusted, but the justice of which, we are told, has never been controverted; and, lastly, the claims on Great Britain, for the destruction of property during the late war, just decided in our favor by an imperial tribunal. Here, sir, are cases embracing spoliations of every character: Against Spain, for suspending the right of deposite at New Orleans, though, as in the case of Matthews, it was disavowed by the Government; for suffering French privateers to capture our shipping in her ports, and condemning the prizes in her courts of admiralty, when her independence was annihilated, and her power prostrate at the foot of France. Against France, for spoliations committed by privateers, whose acts were disavowed by the then Government, and yet must be redressed by this. Against Great Britain, for acts done *flagrante bello* in the operations of an invading army. And is it possible there can be a case not embraced in the examples cited? Were the acts, of which we complain in East Florida, committed in time of peace? So was the suspension of the deposite at New Orleans. Were they unavoidable by our Government? So was the capture of a vessel by French cruisers, unavoidable by Spain. Yet they are all paid for.

I had intended, in the division of this subject, to say something on the fourth head, to wit: that, if every other view of the subject, under which these people presented themselves to the consideration of the committee, should fail them, that even then they would be entitled to indemnity for the injuries they have sustained, as considered now, *de novo*. But, sir, I fear that I have already wearied the attention of the committee. I shall, for this reason, rely on the ground already taken, and leave the claims of my much injured constituents to the committee and to the House, confiding, as I do, with hope and confidence, on the justice of my country to do right to those to whom they have done not only wrong, but ruin.

After some remarks from Mr. EVERETT, of Massachusetts, and Mr. ARCHER, the question was taken, and the motion to strike out the enacting clause prevailed: Yeas 66, nays 51.

The committee then rose, and reported; and

The House adjourned.

Saturday, January 12.

MATTHEW LYON'S FINE.

The bill to refund to the legal representatives of Matthew Lyon, deceased, a sum of money ($1,060 96) paid by him as a fine under the sedition law, with interest from 1799, having been yesterday reported from the Committee of the Whole, and ordered to a third reading, and the question being now on its passage—

Mr. MASON, of Virginia, demanded the yeas and nays; which were ordered.

Mr. TAYLOR moved to lay the bill upon the table, and demanded the yeas and nays on that motion; and they were ordered by the House, and being taken, stood as follows: Yeas 57, nays 91.

So the House refused to lay the bill upon the table.

[Mr. Lyon, of Kentucky, was, on his own request, excused from voting.]

A very animated debate now arose, which occupied the House until past three o'clock, and was then suspended by the adjournment.

Mr. DRAYTON referred to the report accompanying the bill, in which it is expressly put upon the ground that the fine to be remitted by this bill was imposed under a law that was unconstitutional, null and void, having been passed under a mistaken view of the powers delegated to Congress, and that, therefore, that it ought to be refunded, with interest. This being the avowed principle on which the bill was introduced into the House, to pass the bill would be to declare, by an act of that House, that the Supreme Court of the United States had given an unconstitutional decision, which the Legislature set aside with the same power as if they had possessed and exercised appellate jurisdiction in the case. He begged gentlemen to reflect on this before they voted for the bill. It was the great excellence of our constitution that it kept the Legislative, Executive, and Judicial Departments of the Governments separate and distinct from one another. Of these, the Legislative, being the paramount branch, and possessing most power, was very properly the most guarded and fettered by cautionary provisions. But the Representatives of the people were liable to confound themselves with the people whom they represented; and, because the people possessed unlimited power, to suppose that they possessed the same. But this was far from being the case. And he asked under what grant of power from the people, express or implied, they derived the power to revise and reverse a decision of the judicial branch of the Government? If this principle was to be carried out, the Legislature would be the sole judge of the constitutionality of its own laws, and its powers and action would be without limit or control. He was not unaware that, in some of the States, the Legislature exercised a power somewhat analogous to that now to be assumed; but it never did this in its legislative capacity, but when sitting as a judicial body. The antiquity of the case made no difference in its principle: if the principle should be once established, so soon as an individual considered himself as aggrieved by any decision of the court, all he had to do was to throw a memorial into that House, (and both bodies often sat simultaneously,) and get the decision, as to its effects, at once set aside. Thus the country would be left under a Government of unlimited powers. He appealed to the House, whether they would thus confound all the departments of Government together, and overturn those institutions under which our liberty had been preserved to us. Should a bill pass involving such principles, and, on the avowed grounds of those principles, one of the most fatal stabs would be inflicted on the constitution which it had ever received; the nature of our Government would be completely changed; it would be vain any longer to talk of limiting its powers; but its pillars would be at once and forever prostrated.

Mr. DEARBORN said, that whatever his opinion might be as to the sedition law, and whatever his opinion might be on the question, whether that law had acted oppressively on the individual in the present case, he could not consent to an unconstitutional mode of relieving that individual; and as such he regarded the mode proposed by the bill before the House. To pass that bill would be to usurp not only judicial, but executive powers. The power of pardon was the only power by which a person could be relieved, who had been convicted by the courts; that power had been confided by the constitution in the President of the United States, and in him alone it existed. That power had not been exercised in the present case; and now, because it was conceived that, at the period when that law was passed, it was passed under peculiar circumstances—that it was a law oppressive and unconstitutional—would they, at the present period, bring upon themselves the opprobrium of usurping both executive and judicial power, in attempting to give redress? The sentence under which the individual had suffered, in the present case, was, at the time it was passed, in conformity with the law of the land, and in conformity with the opinion of the courts, which had their origin in the constitution of the United States. It was unnecessary for him to say what was his opinion of the sedition law. But this he could say, and without hesitation, that if he should vote for that bill, he should conceive himself to be usurping powers, which were given by the constitution of the United States to the courts and to the Executive, and to them only.

Mr. WILDE said that if he believed that such principles were involved in this bill, as had been stated by the gentleman from South Carolina, [Mr. Drayton,] he should vote against it. But the sedition law had been pronounced by the ultimate and most solemn tribunal, he meant by the judgment of the people of the Union themselves, to be unconstitutional; this was superior to the judgment of any court, and to this tribunal lay the last appeal. The question now was whether Congress ought not to restore what had been taken away by an unconstitutional exercise of undelegated power? Why might it not refund this fine, as release a surety under the revenue laws, who had been declared by the sentence of a court to be liable for the act of his principal? Was this (which was done by Congress every day) to be considered as setting aside the decisions of the courts? The bill went upon the old republican principle avowed and acted upon by Mr. Jefferson.

Mr. BURGES was unwilling to retain a dollar which rightfully pertained to another; but in this case lacked the power to act. The reconsideration of a judicial decision was clearly an act of judicial power; and if it was, it belonged to the judicial department of the Government, and to that alone. Was it for that House to legislate out of existence a decree of the Supreme Court? Could any gentleman do it in consistence with his oath as a member of that House? The House had not a scrap, not the least particle of judicial power—and how could it act judicially. He was astonished to hear reasonable men talk of an appeal from the Supreme Court to the people, and say that its decisions had been reversed at the ballot boxes. Had the people, when they delegated power to the several departments of this Government, reserved to themselves an appellate jurisdiction from the decisions of the courts? Mr. B. put the case of an individual guilty of a treasonable resistance of the laws, who should come to the President for pardon, and being refused, should instantly apply to Congress to have the sentence nullified. The House might as well do that as this. He conjured gentlemen not to transcend those holy boundaries which separated the different departments of Government from each other. Just so certainly as this bill passed, so certainly would that House arrogate to itself all those unlimited powers which, as possessed by the National Assembly, had deluged France in blood.

Mr. DAVIS, of South Carolina, (who had reported the bill,) gave a history of the previous attempts made at former sessions to get a bill of this description through Congress, and the reasons which had hitherto prevented it. He had reported the bill at the present session before he had seen the proclamation of the President; he should not have attempted such a thing afterward. The publication for which Matthew Lyon had been convicted for a libel would, at this day, be no more pronounced a libel than the celebrated forty-fifth number of the North, Briton for which Mr. Wilkes had been imprisoned in London. The court paper would exhibit, any day, articles ten times more libellous. This arose from the perfect liberty of the press, which in this country, and in all free countries, constituted a sort of fourth estate, and as such possessed and exercised a vast power in the preservation of liberty. As to this bill's involving a reversal of a decision of the Supreme Court, it was no more than was continually done in reference to cases under the revenue laws. But, in point of fact, the Supreme Court never had, as such, decided that the sedition law was constitutional, (though it would have been of little consequence if they had.) The decision had been made only by some of the judges on the circuit.

The court, as an appellate tribunal, never had given such a decision. But if they had, the people of the Union had reversed the decision both of the circuit courts, the President of the United States, and both Houses of Congress; and who had dared to reverse the law since? What administration had dared to ask for such a law? As to the President alone having power to pardon Lyon, the President was the party offended; and, to send the oppressed party to his oppressor for equity, was against every principle of justice and of liberty. There was no danger of the President, because a case like this would never recur again. Would Congress insist on holding this money, when, in the case of Wilkes, the British Parliament not only reversed the decision against him, but indignantly erased the record of the transaction from their minutes? Was there less of the spirit of liberty on this side the water?

Mr. ANGEL would vote for the bill because he believed the money, to be refunded, had been extorted wrongfully. The voice of the whole American people, from one end of the country to the other, had pronounced the law unconstitutional, and it was never spoken of without reprobation. The Government was bound not only to refund the fine, but to pay smart money. He did not ask the House to reserve a decision of the Supreme Court. That court was a tribunal which the people had created, and the people had told it what it might and what it might not do. Was he to be told that the court could do no wrong? That its decision, though flatly against the constitution, was right, and must stand, and that the people, through their Representatives, could not correct the error? Should the thing created say to the creator, thou shalt not control my action? All power resided in the people, and when any of their agents did wrong they had the power to correct the wrong. If a man had been stripped of his property, and robbed of his rights, by one of their agents, had they not the power to redress the wrong? It had been said that the principles of this bill had brought Charles to the scaffold. He insited that the people had the right to carry any Charles to this scaffold who usurped their rights. He did not wish to bring any body to the scaffold; he sought to bring a man off the scaffold who had unjustly been put on it.

Mr. CRAIG did not feel justified in voting for the bill. The argument of his honorable friend from South Carolina [Mr. Drayton] had not been met. The gentleman from New York [Mr. Angel] seemed to forget that the House was no more than a creature; he spoke as if he supposed it to possess all power, and not to reflect that its powers had been restricted by its creator, and that it would as much transgress the limits of its power by transcending the powers vested in it, as could be done by the judges of the court of appeal, if they went beyond the powers vested in them. If the bill were to pass the House, it would be a precedent for annulling any other enactment which persons might choose to call unconstitutional. If, because the House found an existing law to be unconstitutional, had it, therefore, power to reverse the decisions of the courts upon that law? If it had, many persons would be at great pains to show that laws, under which they had suffered penalties, however legally, and however justly, were unconstitutional. Here was a law passed, and a person subjected to a fine under its enactment; the person who is fined, comes to the Legislature and complains that the law under which the penalty is inflicted, is unconstitutional. Congress must then determine on the constitutionality of the law before it can be decided whether the fine is to be paid or not. Could the House overthrow the decision of a court of the judiciary upon a plain enactment of law? The idea seemed absurd. If the House assumed the power to say that a law was unconstitutional, and, therefore, to relieve a penalty inflicted under that law, it acted against the very letter of the constitution. All human power was liable to abuses, and in the formation of the constitution of this country, power was placed in what are considered the safest depositories; some were given to one, some to another, and some to another, and it would be fatal to the constitution to allow that encroachments should be made by one upon the powers vested in the other. Such an encroachment would be assumption of that power to which the people only had a right. They had a right to alter the constitution; Congress had not. If the Executive, the Judiciary, or Congress, transcended the powers vested in them, let an appeal be made to the people, from whom all power emanated, and not to the legislative power, which he considered to be the most dangerous, inasmuch as it derived its power immediately from, and was next to the people. The reasons on which the present claim was grounded involved a question of law connected with the constitution, and he did not think it belonged to Congress to set the decision aside. When the sedition law was passed, it was thought to be both constitutional and expedient; now, it was thought to be unconstitutional and inexpedient; and if the Legislature were to undertake the amending of injuries which had taken place under ancient acts, then the prevalence of party would become the standard by which justice would be meted out. The party in power at one time might impose a tax which the succeeding party would have to refund. As there was no institution by man perfect, so if men attempted to put an additional guard on the depositories of power, it would be often found to be an additional mischief added to that which it was intended to guard against.

Mr. JOHNSON, of Kentucky, expressed a wish to receive the indulgence of this House, in listening to him for a few minutes, on a subject which concerned persons residing in the State which he had the honor in part to represent. The only question before them was, whether they should refund a sum of money which, it must be acknowledged, had been unjustly taken from the individual whose representatives, it was conceived, were equitably entitled to it. He considered that such would be the admitted fact, and certainly no member of this House would, at this time, when it was represented that the public treasury is overflowing with money, object to the repayment of the sum of one thousand dollars, with interest, to those who had been injured by the demand and obtainment of it. In the remarks he was submitting, he wished to be understood as not raising or arguing the question of the constitutionality or unconstitutionality of the law under which the fine upon Mr. Lyon had been imposed. He could not have risen for that purpose, for he considered that, at this period, all men, from the Rocky mountains to Boston, took pride in acknowledging that the sedition and alien laws were, to speak in the mildest terms, most unfortunate, most untoward, and most ill-timed. That it was arrayed against the just sentiments of the nation, and against all the principles of constitutional liberty. This, he observed in continuation, was now admitted by all parties, whether democratic, national republican, federalist, masons, or anti-masons. The fact was, that it was the mode adopted by the predominant party of this day to avenge itself, or to protect itself from the missiles hurled at it by the party then in opposition. The gentleman from whom the fine had been exacted, had now gone to that tenement from which no inhabitant returns—he had passed to the bourne where the weary traveller reposes in silence and in peace: but compensation he thought was justly due to those who represented him. Mr. J. went on, by characterizing the law, and the fine of Mr. Lyon, under it, as dangerous encroachments upon the liberty of the press. That liberty, he could not but confess, sometimes degenerated into licentiousness; but it was in the very nature of things that it should, unless some means, some benignant means could be devised of alluring the condition and the propensities of mankind generally. He, himself, (Mr. J.) had always thought it, and, in the result, had always found it, to be the better course to disregard the weapons which would, under a free Government, be invariably aimed at men in public life. Few persons, perhaps, had been more assailed than himself, but he had perceived the advantage of an absolute indifference to the assaults. For his own part, he could see little danger to the cause of freedom from the encroachments, if you choose to call them so, of the press. There was more danger in the exercise of the judicial power; for when the grappling irons of the judge were fixed upon a man by the sheriff, he must pay the pound of flesh rigidly exacted by the law, or go to jail; and sometimes he had to do both. Besides, the voice of the people had been decisively pronounced upon the case. The *vox populi* he would have considered in this House a *vox Dei*.

No obloquy would be thrown upon the judge who tried this case by the passage of this bill. It only provided that they should repair to the strong box, and from thence make reparation for the injury which had been inflicted. The judges had not been personally molested; no cudgels had been used; no blood drawn; no bones broken; no violence used against them. He wished to God, Mr. J. said, and repeated, he wished to God that where wrong had been done, they might have the satisfaction of afterwards peaceably doing right, without reference or resentment for any thing which might formerly have occurred as to these unfortunate events. It was his firm and decided belief, that the money paid by Mr. Lyon had been wrongfully exacted; and also that those members of the Congress of the United States who had voted for the passage of the alien and sedition laws, had voted hastily and without a proper understanding, it might be hoped of the question. He was sure, however, that if they were now in the House, and called upon to vote, they would not vote in a similar manner. His district, in the State of Kentucky, would, he was well assured, warrant and sanction the vote which he should feel it his duty to give on the present occasion. In former times, and in other countries, when the maxim prevailed that the king could do no harm, the responsible ministers of that king were liable to be carted to the guillotine or the gibbet. Those matters appertained to great national injuries. But here was a case of injustice done to an individual man; and that which was the case of one person, ought to be looked to as likely or possible to befall to every member of the community. One of the sagest maxims of antiquity, was that which declared that an injury done to one citizen ought to be regarded as an insult to the whole commonwealth. After some further remarks on this branch of his subject, Mr. J. said, they had already matters before them abounding in the sources of irritation. There were enough of bitter waters and their dregs to drink, without adding further gall to the cup. Why should they stir up the old matters of party strife, when the events of the passing hours were pregnant with the most momentous results? Sufficient (indeed, it may well be said now) to the day is the evil thereof. He briefly recapitulated his former arguments, and repeated his opinion, that, inasmuch as the people had pronounced upon the question, their decision should be considered first, and that, as he previously observed, *vox populi vox Dei*.

Mr. JENIFER said, that if he exercised his sympathies, he should vote in favor of this bill; but it appeared to him that a principle of much importance would be involved in its passage. The question was, as has been correctly stated by the member from Virginia, [Mr. Craig,] whether, sitting there in a legislative capacity as Representatives of the people, we were to revoke a decision of the Supreme Court of the United States? What injury had resulted from the decision complained of? The individual was fined; the penalty paid; and a diversity of opinion had existed ever since, whether his sentence was constitutional or unconstitutional. If they determined now, that it was unconstitutional, and that therefore the fine should be refunded, would they not have to act the same in all cases? Let them suppose, then, a penalty to be inflicted under the revenue laws, and that, in after times, those laws should be determined to have been unconstitutional, unequal, and oppressive, would they not have to refund in that case, and in all such cases? The case was not one of mere supposition. The revenue laws had already been pronounced so. Yes, and that by high authority—by the Executive, and by the Secretary of the Treasury. Then how could they refuse, if redress were granted to the individual in this case? how could they refuse redress to a sovereign State for injuries inflicted by laws declared, on such high authority, to be unconstitutional, unequal, and unjust? If an individual could claim redress, could they thereafter turn a deaf ear to the claims of a sovereign State? Whether the sentence had acted oppressively on the individual, or not, it had been admitted to be the decision of the sovereign court: the Supreme Court was acting in its judicial capacity. It was said the decision of the House, in this case, would involve the liberty of the press. He had no such apprehension; he believed, that whatever the decision of this case might be, the press would remain as it had been, and as he hoped it would ever be, unshackled and free. He looked upon this as one of the most dangerous measures which had been introduced into that House; he regarded it, in fact, as a nullification of the Supreme Court. He considered it as establishing the right to nullify the decisions of that court; as giving the entering wedge to future nullification of its powers. If they assented to this, they could not, thereafter, put their hands on nullification. If they thought that they, in this House, had a right to nullify, how could they deny the right to a whole section? Mr. J. concluded by calling for the yeas and nays; and, before they were taken, he should move for a call of the House, that it might be decided, not merely whether this money should be refunded, but whether that House had the power to nullify the decisions of the Supreme Court.

Mr. ROOT did not intend to have taken any part in the debate, but hearing the arguments which had been advanced in opposition to the bill, calling in question the right which the House possessed of giving an affirmative vote to the measure, on the grounds of reversing the acts of a court of justice, he felt himself called upon to enter his protest against such an application of the case. When the constitution was referred to, which every gentleman in that House was bound, by oath, to support, it would be found that Congress was invested with power to pass and annul the laws of the United States, and it could scarcely be denied that it had the power to annul a sentence which had been passed under an unconstitutional law. The House had been told by the gentleman from Maryland, [Mr. Jenifer,] that if the bill now before it were passed, it would sanction the nullification of the Supreme Court. The reason why he (Mr. R.) was disposed to vote for refunding the penalty was, not because he wished to interfere with courts of justice on these decrees, but because, in this case, the decision was not made under an unconstitutional law, but a usurpation by a tyrannical act, not warranted by the constitution and laws. He was not disposed to arraign the judges by whom the sentence was passed, most of whom had departed this life; but they were mad times in which they acted, and they were hurried on by the madness of the times. Public sentiment had now, however, retracted its steps; those mad times had been restored, and, therefore, he argued that the money which had been unconstitutionally extorted ought to be restored, and the fact of the unconstitutionality of the original act, gave Congress a constitutional right to pass the act now before it. The gentleman from Kentucky [Mr. Johnson] had quoted the maxim *vox populi vox Dei;* but if the voice of the people was the voice of God, so was the hurricane, so was the whirlwind, the voice of God, and intended for his immutable purposes. But should not the damages of the hurricane and of the whirlwind be repaired when the elements were again hushed to repose? And when the political turmoil had ceased, and the minds of the people had settled down upon the constitution, should not the damages be repaid? He would call the recollection of the House to the time when the sedition act was passed, and the cause of the temporary hurricane.

A few years after the constitution of the United States had been adopted, after an ardent struggle, in which it was opposed as surrendering too much power to the General Government, adopted with the recommendation of amendments, all going to restrict the exercise of constructive power, which were sent to the several States by the first Congress, and came home ratified, and became part of the constitution, they, the anti-federal party, were satisfied with the constitution, and changed their title to that of republican. Those who proudly denominated themselves the federal party, struggled to obtain the powers by construction, which were denied to them by the people and by the constitution, and endeavored to introduce amendments into the constitution which suited their policy. How did this party obtain a commanding power over the States which adhered to the constitution? These powers were claimed and made popular by identifying the opposite party, which was the old whig party, then the republicans of these States, with the revolution of France. When the ratification of the British treaty, and other causes, conspired with the French revolution to carry democracy to madness, then the nation was made mad with the phrenzy of power, and it required all the energies of the Government to put down democracy run mad, as it was in France. Many were for adopting the revolutionary views of France. Then federalism became popular; it was the lord of the ascendant, and the republican party were denominated jacobins, disorganizers, enemies to law and order, as well as to religion and good government. Whenever, in any country, any political party having the semblance of freedom, is to be put down, judges are to be found to assist the views of the dominant party. Were it not that judges were to be found capable of sanctioning tyrannic acts, tyrannic sovereigns could not execute their purposes. Men would not be oppressed by tyranny, were not the judges to yield to the propensities of their sovereigns. In England, under the old tory dynasty, when the proper cant of the day was employed in chaunting the divine right of kings, passive obedience to the powers that be, and non-resistance, the duty of yielding absolute and submissive assent to power, was highly popular for a time. But principles could not be carried into power without proper instruments; and judges, worthy of respect in other particulars, had prostituted themselves before the current of the times. Jefferies was said to have been a good judge in other cases, but, as an instrument in the hands of the crown, he became odious in the estimation of all who advocated the right of the subjects against the oppressions of the crown. After the revolution of 1688, the confiscations and fines which had been occasioned by political offences under the Stuarts, were restored.

Mr. R. continued, by asking whether the British Parliament had not, after the revolution of 1688, made reparation for some of the damages which had occurred from the oppressive measures that had taken place under the tyrannical dynasty of the Stuarts? At the period of our own civil revolution, public sentiment had returned to its proper channel. Throughout the wide extent of this confederated republic, there would be found few, except those disposed to do honor to the memory of the principles of departed federalism, who would contend that the sedition law was constitutional. There was no evidence necessary to show its unconstitutionality. That law, and its first cousin, the alien law, had been, by the political revolution of 1801, pronounced, as facts could speak, in terms as strong as human language could furnish, as strong as any language that could be used in judicial decisions, to be unconstitutional and void. The voice of the people had made itself heard on that occasion; it was a voice of thunder, proclaiming in words that could not be misunderstood, that one great paramount authority existed, which had a legitimate control over the power that would, in its unconstitutional exercise, bear down the States, and with them the very palladium, the egis of our freedom. The people of the United States ought to show, at the present day, that they had neither forgotten nor forsaken the principles for which their fathers were distinguished, and the fruits of which were to be seen by reverting to the mighty revolutions of 1798, 1799, and 1800. If the doctrines of that day were not now to be advocated, might it not be ascribed to the fear which persons professed to entertain of nullification--of that nullification which he would not say had been set up as a bugbear, but as a barrier over which they were forbidden to leap. And what, said Mr. R., is this nullification, a word which flows with so much fluency from so many lips? What is it but the assertion that this House, or any other legal body, has a right to hold that to be null and void, and of non-effect, which is in itself a nullity? If it be not null in itself, it could not be made a nullity. But when a measure was carried into effect, which possessed none of the substance of constitutionality, that measure involved an unwarranted assumption of power, and, wanting all the attributes of law and justice, was, he repeated, in itself, a nullity; and as such, Mr. R. contended at some length, was the sedition law.

The judges, he maintained, were not the supreme arbiters of the constitutionality of their own decisions. It was a monstrous doctrine to assert, that they must necessarily be the judges of the extent of their own powers and jurisdiction; and if it should be admitted, away (said Mr. R.) with all public liberty. Your judges, after all, are but men, and all men love power; and what power will not men exercise, if it can be exercised without control or responsibility? Give judges this power, and even when attended by the solemn mockery of a trial by impeachment, when exceeding their powers, the very essence of tyranny would be displayed, and the judges would be possessed of supreme power over the lives and liberties of the people. If they were the judges of the extent of their own jurisdiction, then they could extend that jurisdiction at their own pleasure, without control, or without constraint or limit. After some further remarks, Mr. R. observed, that if it was true that this money had been unconstitutionally extorted from Mr. Lyon, it ought to be refunded. The call was as imperative as that to restore stolen goods. The ill-gotten pelf ought to be given back—whether it could be considered impugning the judges on this case, their first duty was to do justice, without regard to consequences. "*Fiat justitia, ruat cœlum.*"

Mr. BARRINGER said he regretted to see this bill again before the House. It was an old acquaintance; he had heard all the arguments upon it, both for and against, before that day. He might, perhaps, know the reason why it was once more introduced at the present time. "Coming events," it was said, "throw their shadows before them." He recollected a measure similar to this in 1827, in which a gentleman, who now figured largely in the political world, took part. The motive to introduce this bill was stronger now. He was astonished, he had almost said alarmed, when he saw the result of the vote of that morning, to lay the bill on the table; for, on former occasions, it had not stood the test of scrutiny. He was, then, utterly amazed, on the present occasion, to see individuals, who before, would not give it house room, voting to sustain it before the House, and thus to bring the subject again before the country; for what purpose he would not name. The bill implied that it was to effect an act of justice, by refunding money to an individual which had been unjustly and oppressively taken from him. Now, the term *refunding*, implied that the individual had paid the money. He (Mr. B.) believed it came to him on authority somewhat stronger than tradition, that the individual, in this case, had not paid a single copper; no, not even a doit; although it was now asked of the House to *refund* 1,000 dollars with interest from 1799. He believed it was pretty generally known and acknowledged, that the intention was not to oppress the individual, but, through him, to aim a blow at the democratic party. That party had so considered it, for they paid the money; the individual fined did not pay one cent. Would it be said, then, that it was necessary to justice, to pass an act to give back to a man what had never been taken from him? Perhaps it would be said, that this act was necessary to vindicate the memory of the individual. But was it so? No, his memory was vindicated in 1801; it was vindicated by the public voice of the country; it was vindicated by Thomas Jefferson, and those who acted with him; they thought it was fully vindicated; if they had not so thought, they would have gone to the full length of the tether, to have completed its vindication. What did Jefferson do? He released every man that had been imprisoned under the sedition law; he did so on the ground that that law was unconstitutional; avowing, both in public and private, his right to do so, on that ground. He did not examine into the merits of individual cases, but released them all in the gross. Then was the memory of the individual, in this case, amply vindicated; aye, it was more than vindicated. Instead of being held up as an object of scorn, he was exalted to the public gaze as an object of applause, of admiration, or envy; he was looked upon as a man who had suffered, not for crime, but for the public good; a man who had suffered in the cause of public liberty. He (Mr. B.) should think the memory of this man more nobly vindicated then, than it could be by pouring into his coffers a thousand dollars more than had been taken away from him. Mr. B. said, he regretted that he had been urged to say a word on this subject; but, when he knew that the vote he should give upon this, might subject him to unjust imputation, he felt it necessary to say a few words in explanation of the grounds on which he should vote. If it was thought necessary that the House should, at that time, express its opinion as to the sedition law, that object might have been obtained in a more decided way than by this bill, which, in fact, would not express the opinion of the House on that point at all. He was as much of opinion that the sedition law was unconstitutional; that it was a direct attack on the liberties of the press, as any gentleman on that floor; but we did not take the character of that law into consideration, when voting on this proposition to refund 1,000 dollars, with interest from 1779, to an individual from whom it had not been taken; and to reverse the decision of the courts. Others might vote for or against the bill on the ground of its expediency or its inexpediency. For his own part he considered the House had not the right to examine into a case, for the purpose of reversing the decision of the courts. Who had delegated such a right to them? Had the people? Certainly not. It was repeatedly affirmed as the basis of action, that they were judges of the facts? But who had made them judges? Certainly not the people who sent them there. He, for one, then, should vote against the bill without expressing, so far as that vote was concerned, any opinion as to the constitutionality or the unconstitutionality of the sedition law.

But might there not be some other object sought, than the mere refunding of 1,000 dollars in the passage of the bill at this time? He must believe there was a stronger motive operating now than on former occasions. He could not suppose that this Congress was more sensitive to the claims of justice than any former Congress; than the Congress of 1819, '20, or '21; or than the Congress of 1801, which brought in the compatriots of Thomas Jefferson, who had the power to redress the wrongs of this individual, if they had thought redress called for. He must believe, that something stronger than a mere motive of justice, was operating now. What could that motive be? and what the object sought? These were difficult times. They were frequently told that a crisis is at hand. In 1806 and 1807 the shadows of coming events were, indeed, foreseen. The shadows are here, said Mr. B., overshadowing whole provinces. Could it be, then, that this was introduced to favor a particular doctrine, published in one section of this country? Was a conspicuous document issued on the 11th day of the last month, to be flouted by this measure? Was an indirect blow to be aimed at it, by the passage of this bill? He did not believe that justice required this money to be refunded He did not believe that the House had power to refund it; nor did he believe that the present crisis would justify the passage of the bill, in affirmance of a particular doctrine. If this, however, was the desire of gentlemen, why did they not come out openly, and put every man to his *voir dire*, to say either for or against? and not put the issue on a question, by which a man's opinion must be judged by mere implication. It might be right, it might be just, to cast obloquy on the judiciary; on that branch of it, which, whatever might be the opinion of the gentleman from New York [Mr. Root] as to the tyranny of judicial bodies, was that arm under which, at last, the freedom of the country must take shelter. He would deprecate, then, the mercy of the gentleman towards that body, which had been assailed from all quarters; whose very existence seemed to depend on the breath in their nostrils, but which, said Mr. B., when it falls, must bring in its ruins, both the liberties of that gentleman and mine. When the judicial power could not afford them shelter and protection, they must either seek it under the shade of a thorn, or within the iron arms of a military despotism. Let them now, by a legislative act, give sanction to the assailants of that branch of the judiciary, and he apprehended that consequences might follow, as to which he could only say, God forbid they should ever overtake the country. Mr. B. said he had intended to ask the honorable gentleman from Kentucky [Mr. Johnson] how he had suffered this matter to sleep for six and twenty years? How it was he had so long neglected to claim redress for one who was his esteemed colleague? How he could so long have permitted this crying sin of injustice to cry unheeded?

Mr. JOHNSON asked leave to explain. He was not in that House; he had been in the Senate ten years, and there he had spoken in behalf of the claim. He was not the associate of the individual concerned. Mr. J. denied being influenced by any party purposes on the present occasion; his only wish was to do justice to one who, he conceived, had been wronged.

Mr. BARRINGER resumed, and after a few remarks in reply to the gentleman from Kentucky, [Mr. Johnson] concluded by saying, that his only object in rising was to vindicate the vote he should give, and to prevent any wrong impression being drawn therefrom. In doing this, he had represented the case in the light in which he saw it. He hoped the bill would not pass.

Mr. DANIEL regretted that the bill under consideration, "which cast its shadows ahead," should so obscure in mystifications the just conception of the gentleman who last addressed the House, [Mr. Barringer,] as to alarm his imagination with ghosts and hobgoblins. The argument he urged against the passage of this bill, is of a most extraordinary character. He commenced by telling the House, as early as 1826 this subject was named to him by a distinguished gentleman, and, forsooth, perhaps, nevertheless, there was some secret, hidden political motive, in bringing it forward. Who the distinguished gentleman was that named the subject to him, and what the supposed motive could be that prompted the measure, he leaves hidden in a pile of rubbish, to find which, Mr. D. said he would as soon undertake the task of looking for a needle in a haystack. It was due to the honorable gentleman, however, to say, that after he had soared aloft in the regions of unbridled fancy, he descended to particulars; but in making the admission, he was constrained to acknowledge that he did not comprehend his meaning, even when he seemed to aim at perspicuity. He supposed this bill, which was reported at the last session of Congress, had not reached in the calendar till this, was intended as a thrust at a *certain paper*. To what paper does the gentleman allude? Is it some kite which has been flying in the air? or does he mean the late extraordinary proclamation of the President? If he does, in reply, Mr. D. said, he must be permitted to declare he never anticipated, at the time the bill was reported, that such a paper would have ever emanated from the source which it did. For it was a high toned federal paper, containing all the ultra federal doctrines heretofore deprecated by the republicans of the country.

The impeachment, by dark hints of motive, is rendered harmless when the history of the case is recollected. For twelve or fifteen years, in some shape or other, this case has been pending before Congress. It is now about to receive the favorable consideration of this honorable body, to prevent which, at this late hour, the honorable gentleman to whom allusion has been made, in addition to the discovery which he has made as to the motives which are urging it forward, has received information from some person *not named*, and for the truth of which he will not vouch, that the fine was not paid by the late Matthew Lyon, but was paid by the republican party. This, Mr. D. said, in his judgment, would not change the principle. The receipt for the fine was, however, given to Colonel Lyon, and was amongst the papers which would outweigh the vague information of an unknown person. He was one of the committee who reported the bill, and the information which he had received was, that the fine was paid by the petitioner, of which fact he did not doubt.

Those attempts to parry the force of the merits of the question, by such puny considerations, will fail before an enlightened community. The question is one of importance, and should be fairly met. It is admitted, with one exception, [Mr. BURGES,] by all who have spoken in opposition to this bill, that the sedition law under which the fine was imposed, was an unconstitutional law. The reasoning employed to avoid the conclusion to which such admission must necessarily lead, is a novelty amidst the many strange occurrences of the day. The money is extorted by an unauthorized act, a violation of the constitution. The individual who has been robbed and plundered by the Government, presents himself before that Government, and demands the restoration of his money. The Government, whose duty it is to protect its citizens in all their constitutional rights, admit the fact. Those who have charge of the administration of the Government have taken an oath to support the constitution. This constitution has been violated in the outrage committed. It is now submitted, to determine whether we will do an act of justice to an individual who has been wronged out of his estate, by which we heal a breach made in the constitution, which we have taken a solemn oath to support. Notwithstanding the oath which the gentleman has taken to sustain the constitution, and notwithstanding his admission that the law was an infraction of that instrument, still he will not give relief, because a circuit judge violated the constitution in imposing the fine. This is his argument, which, too, is intended as a compliment to the judge. The argument is not very consistent; and he was sure the court would not thank him for it, if, in the course of his remarks, he had not manifested a spirit of adulation to that tribunal, which, in some measure, would make atonement.

Let us examine the argument, and see how it stands. We are told that the liberty of the citizens depends on sustaining the decision of the court in the case of Matthew Lyon; it is admitted that that opinion violated the constitution, and that he was imprisoned accordingly. The conclusion from the premises is, to sustain the liberty of the citizens, the constitution must be violated, and the citizens imprisoned. From such crude notions to sustain liberty, Mr. D. said he dissented *toto cœlo*. It seems to be a source of alarm that a large majority of the House is about to sustain the bill, thereby giving a manifestation of their devotion to liberty, rather than the court who gave the decision. The republican constituents of the honorable member would, he had no doubt, look into the matter, and decide it according to the constitution, without regard to the opinion of the court. The American people have long since put their seal of condemnation on the sedition law. He viewed the vote now to be given, as an approval or condemnation of that law. It could be viewed in no other light.

The efforts which are made to cast a shade over the subject, by the honorable member from North Carolina, Mr. D. said, reminded him of a roguish horse, (not that he would compare him to such an animal,) when he breaks into a neighbor's cornfield; every ear of corn he bites he throws up his head to look out for the owner, and a gap through which he can make his escape, should he be assailed. The opposition of the gentleman from Virginia [Mr. CRAIG] was most extraordinary. He well recollected, when the Buffalo road bill was under consideration, and which road passed through his district, he supported it on the grounds that, as the money was in the treasury, Congress had a right to appropriate it to any object, constitutional or unconstitutional. He now thinks it would be unconstitutional to appropriate money to be refunded to an individual from whom it was taken by a law which is acknowledged to be unconstitutional; and as the money is in the treasury, he was in hopes the gentleman would stick to his old ground.

Mr. BARRINGER replied to Mr. DANIEL. He had not stated from his own personal knowledge the fact that the fine was paid, not by Mr. Lyon, but by the party to which he belonged. It was within his (Mr. B.'s) remembrance that such a statement had been made in that House, and, on asking a gentleman who was a member of it, he had been informed that he had never heard of its being denied or contradicted. If he understood rightly, the receipt for the payment of the sum, by whomsoever paid, must necessarily be in the name of Matthew Lyon; but this, he should think, could not be construed into a disproof of the allegation. As to the remarks of the gentleman from Kentucky, [Mr. DANIEL,] he should not enter into an encounter of wits with him. There were some persons, to use the words of an eminent poet, whose wits are sharper than their swords. As to his (Mr. B.'s) conduct in that House, and to the approbation or disapprobation of his constituents, these were questions to be settled solely with them. He had acted at least with consistency, and whatever was the humble estimation at which his talents could be rated, he was not politically inferior as the Representative of his fellow-citizens, to any gentleman within the hearing of his voice.

Mr. DANIEL briefly rejoined, and observed that, as to the remark of responsibility being due, he had asked the gentleman from North Carolina for none. But he could not understand the mystification in which his argument, if argument it could be called, was wrapped. The gentleman had said that his statement of the payment of the fine by the party to which Mr. Lyon was attached, was not made on his own authority, and yet contended that the allegation had not been disproved. What could the allegation against the correctness of his (Mr. D.'s) statement mean?

Mr. BARRINGER: I made no allegation against you.

Mr. DANIEL resumed, and, after a few further remarks, observed that, in his opinion, the money was as justly due to the representatives of Matthew Lyon, as if the house of that gentleman had been broken open, and rifled of the sum, for the purpose of transferring it to the coffers of the treasury.

Mr. BURGES rose, but yielded to a motion for adjournment.

MONDAY, JANUARY 14.

THE TARIFF BILL.

The House again went into Committee of the Whole, Mr. WAYNE in the chair, and resumed the discussion of the Tariff bill.

Mr. ELLSWORTH, of Connecticut, rose. He said that when the honorable chairman of the Committee of Ways and Means had introduced this bill into the House, he had accompanied it with a few remarks of a general character, all of which were very pertinent and proper; but, since that time, the committee had not been favored with the views of any one gentleman, from any part of the country, in favor of the bill; and, if a judgment was to be formed from what had taken place, thus far, there was reason to apprehend that neither they nor the country were to be favored with any new light, or any new facts, or considerations, on which the House was pressed to pass so very extraordinary and wholly unexpected a measure.

He regretted this the more, the more he looked into the bill, and reflected on the principles it contained, and the consequences likely to follow it. Congress had never legislated on a measure which, if adopted, would tell more in our future history. He repeated it, that such a bill should have been introduced, and an attempt made to force it through the House, without one word being said by those who were in favor of its passage, was most unexpected indeed. So soon as this bill should have passed both Houses of Congress, and received the Executive signature, millions of property which had been invested in establishments that had grown up under the sanction, and on the good faith of the Government--property, not of the "sumptuous manufacturer" merely, (as he is called in the South,) but of the working, laborious, common people; the laboring community would be deprived of its value, and all the thousands, yes, the millions of these laborious citizens, would find their condition in one moment greatly changed. The rich would become poor, and the poor idle and wretched. Thus far they had lived under a Government of some degree of uniformity, and had calculated, as they had reason to calculate, that that uniformity would, to a certain extent, be preserved; but now they would, in one moment, find its policy reversed, and themselves reduced to the utmost distress. He had been told by gentlemen out of the House, he had not heard it from any in the House, that the people of the South were looking with anxiety for this bill. He did not doubt such was the fact. But gentlemen ought not to forget that it was not the South alone, but the entire population of his portion of the country, who were looking to the fate of the bill with the most intense anxiety; and he did not hesitate to declare there, in his place, that if this bill should ever become a law, it would prove the winding-sheet of New England.

Standing there to speak the language of his contituents, the first remark he should make upon the measure proposed, was, that it was exceedingly premature and hasty. He asked gentlemen who pressed a bill like this, whether the bill itself had yet so much as reached all their constituents? They must answer, no. A bill lowering duties of itself six millions, and going into operation within forty days, and, together with the reductions made by the tariff act of the last session, proposing to reduce the revenue at one blow, from twenty-five millions of dollars to twelve millions and a half; a bill of such momentous consequence to every portion of the country; a bill containing principles which subverted the entire policy of the country, was pressed to its passage, in sullen silence, before it had even been seen and examined by one-half of the American people. When that bill should have reached them, what did gentlemen suppose would be their answer? He would make his appeal to the Representatives of that great State which had taken the lead in the school of protective policy: has Pennsylvania said the tariff needs to be revised? Let her Representatives speak, if it be so. And he asked, what had been heard from the "empire State," as it had justly been denominated? Had any voice come from New York indicative that the country desired such a measure as this? Had any voice been heard from New England? Not a breath had reached that House declaring such was the people's will. A deep and universal alarm was beginning to pervade New England; nor would the voice of approbation come, wait ever so long. He feared lest one portion of the American people, who had been forced into their present pursuits by the votes of the South, and who had ever since been led on from step to step, from tariff to tariff, by that House, when they learned the measure that was preparing for them, would look upon their fields and their factories with sorrow, and learn to hate a Government so fickle and so faithless. He feared that, should this bill pass into a law, the consequence would be, not only distress and heart-burnings, but, in the end, a settled hatred to the Government; a hatred far beyond any thing that had been felt in the South.

Mr. E. hoped the Committee of Ways and Means would pardon him, if he asked them another question. It was but a few weeks since that House, after calling in to its aid all the information it could obtain, whether from the intelligence of its own members, or through the official organs of the Government, had passed a bill remodelling, and greatly reducing the tariff of duties. He would ask the committee what new facts, what fresh light, what heretofore unthought of reasons had led to a proposal so entirely and widely different from that which had so recently been adopted? He could conceive of none, unless it were the discontents prevailing at the South. If gentlemen would accompany him to the committee room, where this bill had been prepared, he did not believe they would find a single memorial praying for such a measure, or a single fact which the House had not had in its possession four months ago. On what principle had the House acted only so long ago as July last? How often had the yeas and nays been called on propositions for raising or lowering duties, by one, two, or three per cent.? And how was it that honorable members of that House, who had then, after so much discussion, concluded to diminish the revenue but six millions, were now, all on a sudden, willing to diminish it twelve millions? Had they acted on light before? If they had, where was their new light now? Surely they must have been in utter delusion four months since, or how could they vote for such a bill at present?

The honorable chairman of the Finance Committee, in the few remarks with which he had introduced the bill, had stated two considerations as the grounds on which it had been brought forward. One was, the reduction of the revenue to the wants of the Government; and the other was the permanent establishment of a protective tariff. Mr. E. would not add any thing to the able replies which had already been given to the argument of the chairman, as well by his colleagues as by the gentleman from Pennsylvania on his right; [Mr. Crawford;] but he could not pass the subject without a single remark, viz: that it was matter of great doubt, in the view of minds of much intelligence, whether the proposed removal of protecting duties would be followed by any reduction of the revenue at all. He did not say that it would not, but he felt a strong doubt.

The reduction of duties on foreign merchandise would not necessarily reduce the amount received, but might, like destroying the dykes in Holland, be followed with inundation.

But in reference to the other point, what did the gentleman mean? Did he aim at a reduction of the burdens on the people? If that was his meaning, Mr. E. was prepared to take issue with him. The gentleman had neither theory nor facts to support any such position. He knew, indeed, that the people of the South believed that such would be the result. They thought that free trade would relieve them from all their distresses. But it was Mr. E.'s firm belief that they would be able neither to buy nor to sell on any better terms, were the tariff annihilated entirely. The greater part of the people's burdens would not be in the least relieved. Mr. E., however, would not follow gentlemen who had already discussed this point with so much clearness.

He had intended to say something upon the inequalities and partialities of the bill, but others had fully exposed these, its defects. The committee, in their report, say that the duties will average from ten to twenty per cent. See, then: twenty-nine per cent. on tea, from twenty-eight to ninety-three on iron, forty-seven on coal, thirty-nine on salt, fifty on cordage, sixty-four on spirits, forty-six on sugar, twenty-eight on molasses, and only twenty on cottons, twenty on woollens, and fifteen on wool. He did not complain that any of these duties were too high, but that they did not do equal justice, especially to wool, woollens, and cottons. He believed that adequate protection, such as makes uniform the market, exited competition, induced investments, and the efforts of genius and perseverance. It was a wholesome barrier against the inundations of the overgrown capital and pauper labor, as well as the selfish and shifting legislation of European nations. Let our countrymen feel secure, and they will do in manufactures what can be done any where. Thus, since 1816, the era of the protective policy, every manufacture has been falling in price, and improving in quality, so much so that cotton fabrics, which then cost twenty-five cents, could now be purchased for eight cents.

Mr. E. addressed himself chiefly to the friends of the protecting tariff. He was not speaking to such as disbelieved its constitutionality—they felt themselves bound to vote against the whole system. He was addressing those who believed that a majority of the House and the nation held a protective tariff to be both constitutional and expedient; and he put to them the question how they could possibly vote for such a bill. For,

In the first place, the bill involved an entire change in the policy of the country. Mr. E. had looked into the bill, and had found it to contain principles utterly hostile to the entire policy which had hitherto governed this nation. As such, the bill was hailed with gladness by the people of the South. He had heard Southern gentlemen say, that the principles of the bill constituted the dearest part of it. They openly declared that, hereafter, there was no longer to be such a thing as a protective tariff. Now, if a majority of Congress were willing and prepared to abandon the whole system of protection, no doubt it could be done. He did not, however, for himself, as yet, believe any such thing. But it was not to be denied that the bill went that whole length.

Mr. E. always listened with most profound regard to the Chief Magistrate of the nation. It was due to the station he occupied. When the President's message had been reading at the commencement of the present session, the moment the Clerk came to that part of the document which had reference to the tariff, he believed there was no gentleman in the House who entertained any doubt, that it was the desire and determination of the President that there should be a change in the great principles of our policy. Mr. E. asserted that the President of the United States had openly declared, that the true policy to be pursued by this country, was to renounce its protecting tariff. He had listened, however, to such a declaration as but the first note of alarm. The message had been referred to the Committee of Ways and Means, and the next step had been the introduction of such a bill as was now before the committee—a bill which proposed, as one of its striking features, the raising of one million of revenue from articles not protected, viz: from tea and coffee—a mark not less decisive than that on the forehead of Cain. Where had that principle come from? Had it originated with the manufacturing States? With the friends of a protecting tariff? Or had it come from a previous principle, viz: the equalizing of taxation for the purpose of revenue only? And was it any thing but the first step towards a system of general taxation, without any regard whatever to the protecting principle? Doubtless it was, and had been so intended to be. All were laboring to relieve the country, and, at the same time, protect its industry, by leaving the taxes on protected articles only. Yet here was a proposition to draw one-twelfth of the whole amount of revenue from articles which needed no protection. Would not the nation say that such a bill was, in its principle, hostile to the protective system?

But there was another proof of this still more decisive. Mr. E. had looked into the bill, with a view to discover what provision it contained for the protection of manufactures of iron, wood, leather, paper, cotton, and wool. And he put it to gentlemen to say, whether any provision had been made for these objects. And yet, what strife and contest had they not witnessed on that floor but a few months ago in the effort to place the duty one per cent. or two per cent. higher or lower. The committee had now, at a stride, gone from field to field, from region to region, in reduction, and had not stood above one, two, or ten per cent. Yet, now when such a sweeping bill as this was brought into the House, its advocates had not a single fact to lay before the House in its favor. Were they to legislate in the dark? Were they now to condemn the very act they had performed but a few months ago? Were they to brand themselves with censure for what themselves had done? How were such matters managed in the British Parliament? They appointed a commission, through whom they obtained the fullest and most exact information from the best informed individuals in the country; and the results were printed, and laid on the tables of the members.

No Government was worth preserving unless it acted upon intelligence. But what had been done in the present case? Had the Committee of Ways and Means called a single manufacturer before them? Not one. They had no confidence in the manufacturers. The gentleman from South Carolina [Mr. McDuffie] in a speech of his at the last session, had heaped upon them epithets such as Mr. E. would not repeat. In his own part of the Union the people had great confidence in the integrity of their character. But perhaps the gentleman knew more of them than they did. The committee, at all events, had consulted none of them. Had they gone for their facts to intelligent merchants? He believed not. What light had broken in upon them, or what light had they communicated to the House? For himself he remained quite in the dark. And, in the mean while, he heard an awful rumbling under ground, and the echoes seemed to say, that the precipitancy, the haste, which marked this whole proceeding, boded to the manufacturing interest nothing less than destruction, root and branch. Had the House any right to pass such a bill? Was it for any such purpose they had been clothed by their constituents with the power they exercise? Were they at liberty thus to trifle with the great interests of the country? He was speaking to the friends of the protecting tariff, and he put the question to their conscience and their understanding.

But he would now proceed to that which, after all, was the real cause of this bill. He meant the discontents in the South. He hoped that his honorable friend, [Mr. McDuffie,] for such he esteemed him, who so ably represented the views of the South, would not charge him with any disrespect. But, might he not say, that if any member of the House should be asked out of the House what was the cause which had produced such a bill, would he not say, the discontents in South Carolina? No man, woman or child, could doubt the fact.

In relation to this matter, the first question he should ask was this: Were they not bound, in endeavoring to relieve the people from the burden of taxation, to see that they did not merely change the scene of the discontent? It was known to all, that during the late war, very deep discontent had existed in one quarter of the Union, in relation to the General Government. He had the authority of a gentleman from Georgia, for saying, that the country was near revolution. But let the House, while it was endeavoring to appease his friends at the South, be cautious that they did not, as he had said, merely change the scene. He thought there was no just cause for demanding from the North so great a sacrifice. The first question asked of him by his constituents would be, will South Carolina be any better off when the tariff is annihilated? He feared he should not be able to give an answer such as should be satisfactory to the people of South Carolina. It was very important that the people of the North should be convinced that there existed some real grievance, for the removal of which they were called on to make so great a sacrifice. Nothing else would ever induce them to forego the advantages they now enjoyed.

It was, he believed, almost unanimously admitted in all parts of the Union, except only in the Southern States, that the theory of their oppressions was a false theory, viz: that the burden of taxation fell wholly upon the producer or importer, and not the consumer. The President, in his message, and in another paper of his recently put forth, had expressly declared that the South Carolina theory was not a true and sound one. Could that House, by passing the present bill, make the North believe that it was? How many gentlemen in that House believed that it was a true theory? Very few. How many in the other House believed it? Very few. Ask all the people of the Union north of that spot, or even ask the people of the South themselves, and they would tell them that it was false. Now, if such was the opinion held by all the branches of the Government, and by the people themselves, how could they call upon the people of the Northern and Middle States to make a sacrifice of all their vital interests in favor of a theory which all declared to be founded in error? It was a thing that never could be done. But he was not going to enter on that subject. All he should say was, that he assumed the Southern theory to be false; and, so holding, he affirmed it to be no proper ground on which to demand such a sacrifice as the bill proposed; and should the Northern and Eastern States be compelled to submit to it, they would be taught to hate the Government, and reproach her for her perfidy as long as they lived.

But Mr. E. went farther. He asked the friends of the tariff what they believed to be the true theory? They would all reply that the true theory was that which the President had, in so lucid and satisfactory a manner, demonstrated in his last proclamation, viz: that the duty, in all cases, ultimately fell upon the consumer. If that was the sentiment of the friends of the tariff in that House, then he asked them, when the complaints of the South were urged as the great argument in favor of this bill, how their constituents ever could be reconciled to it? The climate of the Northern States, as well as the habits and character of the people, would prove where the burden of taxes on consumption was most felt, if it existed at all. They, of the Eastern States, inhabited a rough, cold, and comparatively sterile country, where winter reigned for seven months of the year. Did not such a population stand in need of warm clothing more than the people in the South? Did they not want flannels, and blankets, and cloths, and stockings? All which would be brought from Great Britain. What was the difference between the laboring classes of the North and the South? Just the difference that existed between a family of free men with their sons and daughters about them at the family board, and the comfortless cabin of the slave. Where was the great theatre of consumption? In the North, or in the South? He was willing to hazard his reputation on the fact that the great mass of consumption lay north of this city. He believed that the 2,000,000 of people in the State of New York consumed more of foreign importations than 5,000,000 in the slave States. The climate, and all the habits of the people were, of themselves, sufficient to show this: and yet would the South say that they were oppressed by the consequences of consumption? They could not say it. If the House was about to change the policy of the nation, they must first make the people of the North feel and understand the grounds on which they proceeded. The doctrine of consumption paying taxation was all in favor of the North, and against the South; and this doctrine he fully believed to be the only true doctrine.

There was another consideration which induced him to oppose this bill. A portion of our income consisted of receipts from the Post Office: these receipts amounted to not less than $2,500,000. Whence was this collected? He did not complain that they, of the North, paid more than their just proportion; but it was certain that more than two-thirds of this was collected north of the Potomac. Let them look at the money, the $3,000,000 received every year from the sale of the public lands. Where did that come from? His constituents knew something about the new lands of the West. The youth of New England were constantly going forth to people the wilderness. Peace go with them. He expressed no regret, but mentioned the fact as it existed. New England had not, during the last ten years, gained as much as the single State of Indiana. There had been one perpetual drain from her population. What proportion of all the money received from public lands into the treasury came from the North? More than two-thirds of it. He knew some of the most intelligent and enterprising men in his part of the Union, who had removed into the West, carrying with them capitals of thirty and forty thousand dollars. He appealed to gentlemen from the West to say whence the money in their part of the Union came? They would all reply, from the Northern States. The customs, the post office, and the public lands, constituted the three great sources of support to the treasury. All these were drawn mainly from the Northern States; and, under such a state of things, he appealed to gentlemen from the South to say how they could ask their Northern brethren to come around the great family altar of this Union, and there offer up their vital interests in sacrifice. The people of the North could not understand it. They could not be made to see or feel its necessity.

He would now, in a short review of our past legislation, justify the attachment of his constituents to the protective policy, and show the South why they are determined to adhere to it.

The people of New England entertained old fashion notions, as to the power given by the constitution to the General Government, to regulate foreign commerce. Soon after the settlement of these colonies, their inhabitants manifested a strong disposition to introduce manufactures. That disposition was beheld by the mother country with great jealousy. As an example of which it would be sufficient to state, that a law was passed by the Parliament of Great Britain, declaring that founderies in the colonies were a nuisance, and as such, in so many words, directing their destruction. And, in fact, it was this feeling which had ultimately led to our own revolution. Soon after our independence was accomplished, it was found to be the policy of England to prostrate domestic manufactures in this country. Massachusetts, New York, aye, and old Virginia, too, had all attempted the establishment of manufactures, and had all failed; they had all failed from want of a power in the General Government to *regulate commerce*. New York had her own system of duties, Rhode Island had hers, and each port had its own tariff. Under these circumstances, good old Virginia, in 1786, had proposed a convention of the States at Annapolis for the very purpose of regulating commerce, and of providing a protection for domestic industry. And the deliberations of that body had resulted in calling the convention at Philadelphia, which formed the Federal constitution. And what did they find in the constitution? Mr. E. could not pass over this, because it furnished an ample justification of the attachment of the North to the protective policy.

The constitution gave absolute, unqualified power to Congress to "regulate foreign commerce." This was just what all had wanted; and, accordingly, the very second statute passed by the new Government was an act laying taxes for the double purpose of revenue and protection. All hailed the passage of this law with joy. At the fourth Congress an act of registry was passed, which gave a similar protection to American shipping; next came the tonnage duty; and then the act securing to our own citizens the exclusive possession of the coasting trade; and last in the train, came the law giving bounties on the fisheries. There was one provision in the first protecting law worthy of notice, viz: that which laid a duty of *three cents per pound on cotton.* What was that for? For revenue? For that could not be, for there was no raw cotton brought into the country. Every statesman south of the Potomac had voted to impose that duty, and thereby exercised that very power which was now declared by all the South to be in utter violation of the constitution.

Mr. E. went on to say, that after the successive tariffs of 1816, 1818, 1824, 1828, and 1832, his own State, as well as all New England, had considered the question of the protective policy of this country as fully established, and finally settled. But when that principle had first been broached in the days of Mr. Jefferson, they were not only not in its favor, but almost ready to rise in arms against it. In 1807 the people of the Eastern States had been, universally, a commercial people. The doctrine of protecting manufactures had come from Thomas Jefferson in the first instance, and had been warmly responded to by all the States south of the Potomac. "Perish commerce!" was the cry. "Let us be independent of Great Britain." Very different had been the feeling at the North; there the commercial population had seen nothing but starvation and ruin before them. They did not, indeed, rise in actual rebellion; but there existed but one feeling on the subject, and that a feeling of the most decided hostility. But the doctrine had been finally established. It had been established by Southern votes; and the people of New England were, in consequence, driven from their ships, and the theatre of their industry changed from the ocean to the land.

He appealed to gentlemen from the South to say whether, in 1816, the South had not been opposed by the North in this now reprobated policy? Whose voices had been heard in Congress in favor of the doctrine of protection to our own industry? The voice of Lowndes—the voice of Calhoun above all others. It sounded as a death-note in the ears of the North; but the party in power forced the doctrine upon her. "Perish commerce!" was the motto on the Southern banner. But what now? The doctrine, this Southern doctrine, was now an abomination; and the Eastern States were called to the altar to make a burnt sacrifice of their invested capital and all their hopes of prosperity. Sir, it cannot be done; it will not be done. And here Mr. E. asked leave to read to the House the remarks of an honorable gentleman from Georgia, now in his eye, and the efficient mover on this occasion, [Mr. WILDE,] in reference to this very subject. They were as candid as they were just, as beautiful as they were true. He read from an answer returned by the gentleman to a letter addressed to him by a committee of his constituents, in September last, dated in Virginia, and designed as a circular:

"Writing within view of Monticello, once the home, and now the grave of Jefferson, I may not profane the air I breathe with the language of submission. Neither must I bear false witness against my neighbor, for his name reminds me, that some five and twenty years ago the patriarch of American freedom, assisted by Southern politicians, laid, in the exclusion of all commerce with foreign nations, the foundation of protection to domestic manufactures. "We must bring our workshops from Europe!" "We must not consume the productions of those who injure and insult us." "Perish commerce! Let our constitution live!" Such was the language which, for years, found an echo in every Southern bosom, from the Potomac to the Mississippi. Such was the feeling that bore us through embargo, non-intercourse, non-importation, war. Need I tell you, gentlemen, that it was Southern votes which, in 1816, carried a tariff partly for revenue, partly protective, against the strenuous opposition of the navigating interest? And must I protest, even to you, that this recapitulation is not made to defend or accuse the past or the present—to inculpate or exculpate any man or party, or people, but simply because it is the truth. "The thorns we reap are of the tree we planted;" they may not wound us the less; but surely we have no right to impute all the injury to others; I do not say we ought to bear them patiently, or at all. I will not presume to tell a whole commonwealth what it can or cannot bear; but I will recall to the recollection of my countrymen, even at the risk of some odium to myself, that the manufacturing States were made such by our legislation. We destroyed their shipping, and they turned to manufactures. Must we destroy their manufactures that they may return to their shipping?

"It is natural enough that we should seek to remove restrictions which are hurtful to our industry; but it is equally natural they should strive to retain what they imagine beneficial to theirs.

"Considering when, by whom, and under what circumstances they were imposed, it is asking too much of human nature to expect they will be readily abandoned. A part of the population on which they were forced, once spoke of seceding from the Union if they were persisted in. But the Union has survived their discontent. They converted our folly to their benefit; and now we meditate secession unless they will instantly relinquish their advantage."

He would commend this paper to the magnanimity of the honorable gentleman himself. The people of the Northern States had not forgotten whence the tariff came; they had not yet forgotten that it was Georgia and South Carolina, and all her Southern sisters, which had led New England into the position she [illegible] occupied, and the Southern gentlemen must own it to be true.

Mr. E. said he had risen mainly with a view to vindicate those who had sent him here, from the most unjust and unmerited insinuations. Every characteristic of odious tyranny had been, by Southern gentlemen, applied to the industrious mechanics of the North. They were told, again and again, that, from a love of gain, they were trampling upon the constitution; that if they were even within its letter, still they were doing violence to its spirit and manifest intent. This was not true; and, in order to show that it was not, he had gone into this history of the origin of the protecting policy. He feared that he had consumed too much of the time of the committee in doing so. But as the system had originated with Virginia herself, he felt it due to his constituents to vindicate them from a slander for their present attachments.

The gentlemen of the South, however, continued to urge the charge, that, in the tariff laws the North was palpably violating and trampling upon the constitution. Now, he wanted to look this position in the face. He wanted to see where truth actually lay, and while he endeavored to discover it, he hoped the Southern gentlemen would accord him a due respect to them personally, and to their constituents.

He averred that they, of the North, were not trampling upon the constitution. Nothing was further from the purpose or the feelings of those whom he represented. The constitution was dear to them; they held, and ever should hold, its provisions sacred and inviolable.

The power they were exercising in enacting a protective system of policy, was the power "to regulate foreign commerce." Did gentlemen from the South find no such clause in the constitution? There it stood; could they erase it? "Congress shall have power to regulate foreign commerce." As to the exercise of this power, where was the limit? Did the constitution fix any? But it was said that the constitution was violated, because the duties were so laid as to operate a protection to domestic manufactures. But where was the clause declaring that commerce should be regulated for revenue only? The power was to be exercised on all the principles on which a similar power was exercised by the British Parliament, and in all the Governments of Europe, for the general benefit of the common country as a whole. Let it be made out that a certain exercise of this power will further the general prosperity, and the exercise of it was perfectly constitutional; and it was the duty of Congress to exercise it. If they believed that the protecting policy was calculated to benefit their country, were they to be told that they must not exercise it? Would friends of the tariff say to their constituents, Here is the power, and its exercise is for the good of the country, but we must not use it, because there are dangers at the South? Such an argument was neither honorable nor satisfactory. The constitution gave the power—the power had never been exercised to this end—and it was now too late to say that the exercise of it is not constitutional.

If this power of protection could not rightfully be exercised by Congress, where was it? What had become of it? The States had not got it: was it then lost? Nothing was farther from the truth. Congress might lawfully regulate commerce in whatsoever way would most promote the good of the country. This very point constituted the chief excellence of the constitution, in the view of the people of the North. They inhabited a hard, sterile, and inhospitable country. They had been driven from the ocean; and if there was no such power in existence for the protection of their home industry, the constitution had lost its prime excellence and virtue in their eyes. He prayed gentlemen to allow the people of the North still to look upon the constitution as they had done, with confidence and affection.

Need he say that it had been the uniform contemporaneous understanding of the constitution, that Congress should regulate foreign commerce to the ends of protection? The Union came into being under the existence of this power. Every nation in Europe had exercised the same, and had exercised it for their own exclusive benefit—and were now doing it. Why should not this country enjoy and wield the some power? and why not use it for her own protection?

But the protective tariff was complained of as an exercise of partial and local legislation. What was meant by such a charge? Did gentlemen mean that Congress had no power to pass any law that should not, in its operation, be equal and universal? He should like to know whether the embargo law, the non-intercourse law, the non-importation law, had been equal and universal in their practical bearings on this country?

He would ask of the gentleman from Alabama [Mr. Clay] whether the laws enabling his constituents to give up poor land, and exchange it for better land, was not local in its operation? whether they were passed for the interest of the North and the East? Were the fortification laws equal in their operation? A nation was made up of individuals; and while a law might be for the general good, it was to be regretted that some individuals might, at the same time, be injured, or at least might not share in the benefit. But let the gentlemen look at the subject in a somewhat larger view. We were a nation at least in some respects. How could that be called local legislation which was confessedly for the general good? They, of the Eastern States, had, at the time, thought the non-importation law very hard in its operaton: but it was said the country demanded it. And he denied that the present law was local. The people did not feel it to be so in his part of the country. For the same reason, there was no foundation for the assertion that the trriff was an interference with the domestic concerns of the States. In the regulation of commerce we are a nation, and if the people are affected, it is as parts of the whole—and this is right. Would gentlemen deny that Congress had power to counteract the injurious legislation of foreign nations? And what was that legislation? Out of thirteen millions of inhabitants in this country, the products of nine millions were virtually excluded from all foreign ports. Under such circumstances, would it be wise or just to take all the manufactures our people needed from England, while we were forbidden to carry our bread stuffs to them? Would any gentleman maintain such a proposition seriously? The notion of free trade was one of the most visionary that ever entered the mind of man. It was fair, indeed, upon paper; but when attempted to be applied to the actual affairs of men, it proved so unequal that the nations of the earth never could, and never would, carry it into practice. The doctrine of protection, on the other hand, was, in its nature, and has been proved in effect to be, calculated to raise us to an equality with other nations. What, in fact, could this country do without it? This nation emerged from its colonial bondage, and came into being under the existence of that principle. All the powers of Europe were enforcing the principle wherever it was in their power. There would be a revolution in England in six months, should it even be attempted to repeal the system. Let her ports be open to the products of our lands, and how long would her agricultural interests be sustained? She could not pay the interest of her debt, nor uphold her system of tithes and sinecures a day. We then must enter into the same system, or must be content to place ourselves under the feet of all foreign nations.

But it had been urged in opposition to the tariff laws, that the imposing of such a law was an act of tyranny exercised by the majority over the minority; and the accusation had been so often repeated that the phrase had, in some degree, lost the harshness with which it had once grated upon his ear. But what did gentlemen mean by language of that kind? What propriety was there in making such a charge? The power was clearly given in the constitution, and it was the Southern States that had called upon Congress to exercise it. He wished gentlemen would only look into the constitution. That instrument left them an appeal to a neutral power; to an independent, disinterested tribunal; and what was that? It was the United States Supreme Court—a court no more appointed by Congress than the States. The President nominated, and the Senate approved, while we could only institute an impeachment. And did this make them our servants, or had it actually corrupted them? They were emphatically the country's judges, and had ever proved themselves equal to their responsibilities. He knew very well that there were gentlemen in that House who would laugh at such a declaration, and would reply that the court was nothing more than a tool in our own hands. But the court was not their tool, nor the tool of any body living. The North had no more control over it than the South. It was a constituent part of this Government, and whether this Government was only a confederation of the States, or whether it was something higher still, an appeal was open on the part of any State to the decision of the judicial bench. Such was the theory of our Government. It was not like the old confederation. That consisted but of a single body. But here was the beautiful theory of the Government which had succeeded it. First, a legislative body endowed with certain enumerated powers; then a judicial tribunal to decide when those powers had been transcended; and then an executive, to carry its acts into effect. And if gentlemen from the South told him that that court did not possess sufficient intelligence or weight of character to decide such a question, he should tell them in return, that that was a point which the North would never compromise. The spirit of the constitution required Congress to exercise the power to regulate foreign commerce in such a manner as should best promote the good of the country at large. Mr. E. was astonished to hear gentlemen indulge in such remarks, accusing the Government with tyranny and oppression, merely because it proceeded in its ancient course, and exercised a power which was written on every page of its charter. There was one view in which the present discussion was of great importance. How far did gentlemen intend to run out the principles of this bill? and where was the principle to stop?

It was apprehended by the people of the North that, if the Government should give its sanction to a bill like this, especially the one now in question, then they are to look forward to a total abandonment of the protective policy. It would not be long before the registry act would follow. The next step would be the repeal of the tonnage duties, and then would go the coasting trade and the fisheries. The principle of the bill went to the abolition of all these acts, because they all created a preference in favor of one over another. South Carolina insisted that no preference must be given. There must be no inequality. Every law must bear on all alike; and, before long, they would hear her voice which now cried down with protection, and let us buy where we can get the cheapest, cry down with the coasting trade, and let us hire vessels wherever we can get them on the best terms. He repeated the warning. All these acts were based on the principle which was now struck at. Sanction that principle, and how long would it be before they would be required to abandon even incidental protection? For what was incidental protection? Nothing but an unequal tax for protection. Might it not be said by those opposed to incidental protection, that Government had no right to lay a tax of a hundred per cent. on one article, and none upon the other? What could furnish a finer topic for complaint than that one class of merchants should be allowed to bring in their goods free of duty, while another class was required to pay one hundred per cent. on theirs? Was not this unequal taxation? And why were such taxes laid? It was on the principle of preference, of protection only, though it is called incidental protection. If they were now to begin with putting a tax upon tea and coffee, how long, he again asked, would it be before the whole protective system would be given up?

South Carolina had declared that there should be an equality of duties. How, then, was one article to pay one hundred per cent., and another nothing? It was clear they must give up incidental protection along with direct. He hoped Pennsylvania would take the lead in this dance. As for Louisiana, she seemed to have a bribe held out to her of two cents a pound on sugar.

Mr. E. said he had seen but one letter from the North on the subject of this bill, the writer of which considered it as the best bill that had ever been brought before Congress, because it was a bill that never could be passed. If it could be, then let Congress take off all protection, and let all the interests of domestic industry fall into ruins together. This, no doubt, Congress had power to do; but he warned gentlemen, if they did it, that a voice would be heard that would full soon compel them to retrace their steps, and enter again the path which had been marked out by Lowndes and Calhoun.

Mr. E. could not discover how it was that the people of the South could possibly believe that such a bill as this would relieve their burdens; but, supposing that it would, and supposing that their complaints were well founded, he asked gentlemen, in the last place, was this the time to pass such a bill?

The President, in a paper lately put forth by him, had declared it to be his judgment that this was not the time.

Mr. E. asserted that such was the ground taken by the Chief Magistrate. He had declared to South Carolina that honorable men could not legislate under such circumstances. That State had assumed an attitude which drew all eyes upon her. She had raised the banner of open opposition to the constitution and the laws; and if prints received in town that morning, spoke the truth, she was at that moment gathering an army under that banner, for the avowed object of resisting the legislative functions of the Government. She had declared that she was no longer subject to the authority of this House, and the only terms on which she would return to her allegiance, were terms of unqualified concession on the part of the General Government, and an immediate dereliction of the policy of the country.

Mr. E. then asked whether wise men, acting under high responsibility—whether decided and fearless legislators were prepared to do what they were thus commanded? He called upon gentlemen to take care—yes, to take care what it was they did at such a period of their country's history. Their offended sister had done that which she could never efface. She had broached doctrines which the people of the United States denied, and which he must be pardoned for adding, they detested. South Carolina had done more to weaken the ties which cemented this Government, and which bound the people of these States to each other, than all others beside. He warned gentlemen to beware how they once began to yield to demands of this nature. The Government must put down these excitements, or they would put down the Government. What the result of such a state of things would be, was known only to that Power before whom the future was as the past. For himself he could only say that he should not shrink from the performance of his duty, and that he never would consent to legislate under a menace.

Was this the time to yield? He trusted not. It would be to raise a monument higher than the pyramids of Egypt, to the doctrines and precedents of nullification. A few great names might be inscribed upon it; but let him tell the members from South Carolina, that how high soever their monument might be raised, it would be built of the bones of the laboring class of this community, and under it would be buried the laws and the constitution.

Mr. **BRIGGS** of Massachusetts, next addressed the committee. I need not say to you, Mr. Chairman, (said Mr. B.) that the State of Massachusetts is deeply interested in the tariff. The people of the district which I have the honor to represent, have a capital of more than two millions of dollars dependent, in a great measure, upon the fate of the bill on your table. I shall vote against the bill, and the facts already named constitute my apology for throwing myself upon the indulgence of the committee, long enough to state my reasons for that vote.

Sir, at the last session of this Congress, a law was passed upon this identical subject, after a protracted and full discussion. It was carried by an unusually large majority of both Houses of Congress, and received the prompt sanction of the Executive. It was passed as a measure of peace and conciliation. That law had not yet taken effect, and its operation upon the revenue, or upon the great interests of the country, can only be known by experiment. It is certain, however, that under it, a large amount of revenue will be reduced, and it may produce a very sensible effect upon some of the manufacturing interests. The most strenuous opposers of the tariff, at the last session, professed a willingness to reduce the revenue by a cautious and gradual process, so as not suddenly to ruin the manufactures. Where *now* is the necessity of departing from that principle of action, by demolishing the law *then* passed, before its effects can be known? It would be an unheard of course of legislation, in this or any other country, for the same men to repeal a law upon a subject which involved the vital interests of the country, and which they had passed upon the most careful and deliberate consideration, before it should have gone into operation, and when the circumstances of the country had undergone no change demanding a precipitate repeal or alteration. After so much time had been spent at the last session, and a bill passed upon the avowed principle of compromise and concession, the people did not expect that the question would be again agitated at this session, before they could see and understand the bearing and effect of the law then passed.

The committee who recommend this measure, urge, as a reason for its adoption, that the revenue must be reduced to the wants of the Government. I readily concede this point. I trust all will admit, that after the national debt shall have been paid off, the amount of revenue to be raised must be limited to the sum required to defray the ordinary expenses of the Government, and to meet such authorized constitutional expenditures, as shall be necessary "to provide for the common defence, and promote the general welfare" of the nation. But, sir, the precise amount which would be required for these objects, and the particular sources from which it should be raised, are grave and important questions, which, under the present condition of the country, demand grave and deliberate investigation.

If the entire revenue is to be raised from import duties alone, justice requires that it should be drawn in equal proportions from the people of the different States, and the different sections of the country. But how shall this be done? It by no means follows, that an equal rate of duty upon all the imported articles, would produce this result. It may happen that the same number of people in one State, from their habits, business, or climate, consume a much larger amount of imported articles, than the same number of people in other States, and thus made to contribute more than their just proportion of the public revenue.

On the contrary, it might be found upon full and careful examination, that a duty upon a comparatively few articles of importation, would, by reason of the generality of their use in all parts of the country, afford the necessary revenue, and make a just and equal distribution of taxes among the people of the several States. If a system could be devised, by which a sufficient amount could be raised by a fair and equitable distribution of the duties to be paid, and, at the same time, preserve and sustain the great and varied interests of the country, I am not able to discover what reasonable objection could be interposed against its adoption. Though the practical operation of such a system might be more beneficial to one portion of the country than to another, yet if it operated no injury to that other portion, and was uniform and impartial in the contributions which it would draw from every part, it would be just, and ought to be satisfactory. To enable us to carry these principles into operation, it is important to know, as near as may be, what amount of imported dutiable articles are consumed in the different States of this Union. In the final adjustment of the tariff to the revenue standard, this essential information cannot be dispensed with without the hazard of doing great injustice somewhere. This knowledge, so indispensable to right action upon the subject under discussion, it is not within our reach, and cannot be during the present session. Our treasury is now empty; the national debt is not yet extinguished; the amount of revenue which may be required for the current, and the coming year, cannot be precisely ascertained; and as the officer in the financial department of the Government does not call for an immediate reduction of the duties, the passage of the bill, at the present session, would seem to me to be an act of precipitant and hazardous legislation. The committee present their plan as a permanent revenue measure. This consideration heightens the importance of mature deliberation before we settle down upon it.

Mr. Chairman: The bill reported by the Committee of Ways and Means, if I am not widely mistaken in its character, does not contain those just and equitable principles so essential to such a bill. It professes to go back to the tariff of 1816, yet it considerably increases the duty from those of that act, upon some articles of domestic manufacture, and so far reduces others, as to threaten with utter ruin the branches of industry engaged in their production. Under this bill the duty on some kinds of iron are much higher than than those of 1816, whilst the average duty on wollens are lower than that of that year.

The duty on cotton manufactures are placed far, very far, below those of 1816. Whilst it withdraws the protection of the Government from the great interests of the New England States, it so arranges the duties by which the revenue is to be raised, that the people of those States must pay greatly beyond their just proportion of the public taxes.

From the habits, climate, pursuits, and population of New England, it is demonstrably clear that they must consume a much larger amount of the heavy articles of importation, according to their numbers, than the same amount of population in the Southern States. Among the articles which are in universal use, and which enter into the consumption of all the people of those States, may be named sugar, molasses, cloths of all kinds, and especially wollens, of and above, the medium prices; tea, coffee, and iron; the latter heavy and costly article is not only extensively used for agricultural purposes, but is used in vast quantities for machinery and ship building. So average and regulate your duties as that their great interests, embracing not only their manufacturing, but their agricultural population, shall not be sacrificed, and they be compelled, by a sense of injustice, to disrespect a Government which has, in a thousand different forms, promised protection to their industry, and they will continue to pay, what they are persuaded they have long paid, more than their equal proportion of the public revenue, though they firmly believe that every part and section of the country is benefited by the protective policy.

Mr. Chairman: The bill on your table, under the form of a simple revenue measure, proposes to change the great policy of this Government. Is this policy one which has suddenly started into life? Is it, as has frequently been alleged upon this floor, the creation of a tyrannical and reckless majority, impelled to action by motives of selfish sordidness, regardless of the interests, and trampling upon the rights, of the minority? No, sir, it claims a higher origin, a nobler purpose.

The policy of developing and bringing forth the rich, and exhaustless resources of our extended country, by fostering and protecting domestic manufactures, has engaged the anxious and continued attention of this Government from the adoption of the constitution. This position is maintained by a reference to the course of legislation, the reports from the Treasury Department, and the uniform tenor of Executive messages from the time of Washington to the present day. And, sir, I shall be much disappointed if it does not turn out, upon examination, that it has been the favorite scheme of the great leading statesmen of the South.

I will not consume the time of the committee by talking about the second act of this Government, passed on the 20th July, 1789, the very preamble of which declares it necessary to lay duties "for the encouragement and protection of manufactures."

In his last message delivered to Congress, in December, 1796, President Washington says: "Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures." "The object is of too much consequence not to insure a continuance of their efforts in any way which shall appear eligible."

In relation to the same object, President Jefferson, in his closing message, communicated in November, 1808, has the following remarks: "The situation into which we have been thus forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming, will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties, and prohibitions, become permanent!" Protecting duties and prohibitions! Yes, Mr. Chairman, in 1808, Mr. Jefferson, the President of the United States, the great republican leader, the strict and able expounder of the constitution, the highest authority of political orthodoxy, of the present day, in one quarter of this Union, could officially speak of rendering manufactures permanent by protecting duties and prohibitions, without lighting the torch of civil discord, or shaking the integrity of the Union. But now, sir, the name of this great man is relied upon by those who profess to be his true followers, to show that laws which create protecting duties, "are plain, palpable, and dangerous violations of the constitution," and that the States which oppose them, have a right, if not to nullify, to recede from the Union, if they are not repealed.

Great efforts were made by the leading republicans of that day, to give popularity to the plan of building up domestic manufactures. The prominent newspapers of Virginia, and of the South, led the van, and urged on their followers in the patriotic service. The committee will recollect the numerous extracts to show the sentiments of Southern men on this subject, read from a volume of the Richmond Enquirer, taken from the library of Mr. Jefferson, by the honorable gentleman from Philadelphia, [Mr. Sutherland,] in the course of his very able and eloquent speech at the last session of this Congress. The sentiments, toasts, and resolutions at public dinners, and fourth of July celebrations, clearly show what, in those days, was the current of public opinion. It was in 1808 that Mr. Jefferson, in a letter addressed to his friend Thomas Leiper, Esq., of Philadelphia, in strong terms, spoke of building up domestic manufactures, as the "true republican policy." He said it was the design and policy of "New England federalists" to continue a commercial people, and thus keep up a dependence on foreign nations for a supply of manufactured articles. With an adroitness peculiar to himself, he sought to identify the opposition to his favorite system, with the opposition to the party of which he was the head. New England was then suffering under the restrictive system of the General Government, which bore upon her with peculiar weight and severity. Her people were necessarily and essentially a commercial and navigating people. They were then the stout advocates of those free trade principles, which the national legislation afterwards compelled them to give up, and which are now proclaimed to be so essential to national prosperity in a region, where then, the domestic policy was declared to be the sure foundation of public prosperity and permanent independence. Sir, impartial history has recorded all these matters, and they will stand out on the future page as subjects of curious speculation to those who shall come after us.

In his first message of May, 1809, Mr. Madison speaks thus on this subject: "It will be worthy at the time of their just and provident care, to make such further alterations in the laws, as will more effectually protect and foster the several branches of manufacture which have been recently instituted and established by the laudable exertions of our citizens." The same distinguished President, in his message of February, 1815, says: "But there is no subject that can enter with greater force and merit into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence, and attained an unparalled maturity throughout the United States, during the period of European wars." "This source of national independence and wealth, I anxiously recommend, therefore, to the prompt and constant guardianship of Congress."

In the message of December, of the same year, he says: "In adjusting the duties on imports, to the object of revenue, the influence of the tariff on manufactures, will necessarily present itself for consideration. However the theory may be, which leaves to the sagacity and interest of individuals, the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule."

"It will be an additional recommendation to particular manufactures, when the materials of them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence, an encouragement which cannot fail to be rewarded."

The extracts which I have read are taken from Executive communications made prior to the tariff of 1816, and show most clearly the opinions and views of their authors upon this absorbing topic. No time need be taken up in speaking of the situation of the country at the time the tariff law of 1816 was discussed and passed. We had just come out of a war of alternate disaster and honor, during which the Government had experienced embarrassments of the most perplexing nature. The talented and patriotic statesmen who had stood by the country through the hardest stuggles of that conflict, remembered, with humiliation and regret, the destitute condition of the country during that gloomy period. The American soldiers in the camp, and in the field, were clad in foreign cloths, and wrapped in blankets manufactured by their enemy, or shivered in the storm destitute of necessary clothing and covering.

On the return of peace, floods of foreign merchandise and manufactures poured in upon us, and swept away many of our infant establishments, and threatened with inundation and utter destruction all those monuments of skill and ingenuity and enterprise which had been erected during the few preceding years. The highest motives of patriotism, and the strictest demands of justice, called on the Government to adopt some system of measures which should screen existing institutions from final overthrow, and guard the country against the recurrence of those evils which it had so recently experienced. To accomplish these objects, the tariff of that year was carefully and laboriously adjusted. The policy of permanent protection to domestic manufactures was proclaimed and established by that bill, as the settled policy of the Government. The men who advocated and carried it through Congress placed it on that ground. Mr. Lowndes, the gifted son of South Carolina, and one of the brightest ornaments of his country, and "over whose ashes the best tears of America have since been shed," was at the head of the Committee of Ways and Means who reported the bill. He stood by it, through every stage of its progress, and defended its details and its principles until it triumphantly passed the House. Mr. Chairman, some of the ablest speeches which has ever been published in this country, in defence of the policy of a nation building up domestic manufactures, as a means of wealth and independence, was made on the occasion to which I have alluded, by another distinguished citizen of South Carolina, in the hall where we are deliberating. Well did my honorable friend from Connecticut [Mr. Ellsworth] remark, that, in the debate on the tariff, the voice of Calhoun was heard above all other voices. Sir, the enlarged, bold, and statesmanlike views which he then took of the subject, as a great public policy, and the arguments which he urged to convince others of the soundness of those views, will remain as monuments of the depth and perspicuity of his intellect, when he, with the generation to which he belongs, shall have passed away. "In regard to the question, how far manufactures ought to be fostered," said he, "it is the duty of the country, as a means of defence, to encourage the domestic industry of the country, more especially that part of it which provides the necessary materials of clothing and defence." "Manufactures produce an interest strictly American, as much so as agriculture." "Again, it is calculated to bind together more closely our widely spread republic." "It will greatly increase our mutual dependence and intercourse, and will, as a necessary consequence, excite an increased attention to internal improvements, a subject every way so intimately connected with the ultimate attainment of national strength, and the perfection of our political institutions." "That a certain encouragement should be extended at least to our cotton and woollen manufactures." "If," said he, "it should be asked why, with so many advantages. the necessity of protection? It is to put them beyond the reach of contingency."

Mr. Chairman: During the progress of that bill, an honorable member from the State which you represent, now in the other branch of the National Legislature, [Mr. Forsyth,] proposed to lay a duty of five cents a pound on brown sugar, and gave as a reason, that if Congress would give proper encouragement, that article could be made in Georgia to a very great extent. Both of the gentlemen named, from South Carolina, supported the proposition. Whatever changes may have been wrought by political vicissitudes, or the transforming influence of party spirit, the men who sustained the principles of that law, and carried it through the Legislature, were then the cherished and honored statesmen of the United States. Until the journals of Congress shall be destroyed, its authority will be sustained by the names of Lowndes and Calhoun, from South Carolina; and the names of P. P. Barbour and Pleasants, from Virginia, with other distinguished names from both these States, whose votes stand recorded in favor of its passage. It was about the time of the passage of that law that Mr. Jefferson wrote the famous letter to his old personal and political friend, the venerable Benjamin Austin, of Boston, upon this important subject. Mr. Austin had informed him that his political opponents had quoted his former opinions on the subject of domestic manufactures, to support their own opinions in opposition to the protective policy. In reply, Mr. Jefferson gave the reason for the change of opinion which had taken place in his mind, on that subject, a long time previous to the date of that letter, and declared his entire devotion to the existing system. He said the time had come when "we must place the manufacturer by the side of the agriculturist. He, therefore, who is now against domestic manufactures must be for reducing us either to a dependence on a foreign nation, or be clothed in skins, and to live, like wild beasts, in dens and caverns. I am proud to say that I am not one of these. Experience has now taught me that manufactures are now as necessary to our independence as our comfort." He complained of the injustice done him by those who referred to his opinions long since exploded, to sustain their opposition to measures which he considered essential to the independence and comfort of the people of this country. The people of New England, and especially of Massachusetts, who had mourned over their ruined commerce, and seen their ships decay and rot at their grass-grown wharves, through the long and gloomy period of the embargo, non-intercourse, and war, when the war had ended, hoped once more to return to their favorite pursuits, and repair their broken fortunes; but they were again destined to feel the bitterness of disappointment. Unwilling to give up their ships, and abandon those pursuits in which they had been reared, the people in that section of country interposed a strong and vigorous opposition to the passage of the tariff of 1816. The Representative from Boston endeavored to get exempted from the severe operation of that law, cargoes of East India goods which had been ordered by the merchants of that city without any knowledge or apprehension that such a law would be passed. He was told by the chairman of the Committee of Ways and Means, that the manufactures wanted immediate protection, and the desired relief was denied. In spite of New England remonstrances, and New England votes, the bill passed by the influence of Southern statesmen, and Southern votes, united with the votes of the Middle and the Western States. We are now soon to know, Mr. Chairman, whether this system, in which New England is so vitally interested, against her remonstrance, is to be overthrown by a combination of Southern votes with the votes of the Western and Middle States. New England yielded to the law, and turned her ingenuity, her industry, and her capital, into those channels, opened by national legislation, into which capital was invited to flow, to build up a policy deemed of the first importance, and to the support of which the public faith was solemnly pledged.

Mr. Chairman: Unfortunately for the country, the opinions of distinguished individuals who advocated with signal ability, the law of which I have been speaking, have, since the time of its passage, undergone a radical change. What was then maintained as a wise and necessary public policy, independent of its effects upon individuals or classes of men, is now declared to be a system of oppression and injustice. Even the constitutional right of protecting the industry of the country is denied. Sir, I do not reproach those men whose opinions have been thus changed, however deeply the consequences are to be regretted. Mutation belongs to man. We are taught by inspiration itself, "that learned men are not always wise." But if opinions change, principles never do. Great principles which form the permanent basis upon which things rest; upon which depend the prosperity of human institutions, and the happiness of society, never can be shaken; they are permanent as the hills, perpetual as the mountains.

Sir, the transactions of which I have spoken, are all written down, and the muse of history which overlooks this hall, waits to record the result of our deliberations upon this long agitated and deeply interesting subject.

In the expose of the policy which he intended to pursue, contained in his inaugural speech, delivered on the 4th of March, 1817, President Monroe said: "Our manufactures will likewise require the systematic and fostering care of the Government." His message of December, in the same year, has the following sentiment: "Our manufactures will require the continued attention of Congress." In December, 1819, he says: "It is deemed of great importance to give encouragement to our domestic manufactures." The message of December, 1822, from the same Chief Magistrate, declares "that there are strong reasons, applicable to our situation and relations with other countries, which impose on us the obligation to cherish and maintain our manufactories." In his last message to Congress, Mr. Monroe declared that "his opinions on the subject of the tariff remained unchanged," and earnestly recommended it to the attention and consideration of Congress.

In speaking on this topic, the present Chief Magistrate, in his message communicated in December, 1830, says: "In this conclusion I am confirmed, as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended this right under the constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people."

All these Presidents were Southern men, belonging to that section of country which now stands in hostile array against that uniform system of policy so long and so ardently recommended by their own distinguished public men, and so constantly sustained by every branch of the Government.

Sir, I assumed that the protective policy had been the cherished policy of this Government since the adoption of the constitution, and that it had been sustained by the leading politicians and statesmen of the South. I appeal with confidence, and ask, have I not maintained my position? Shall it now be suddenly and rashly abandoned?

Mr. Chairman: Under the course of legislation which it has been shown the nation has steadily pursued, the citizens of this country, reposing confidence in the oft repeated pledges of the Government to sustain the national industry, have, from time to time, invested large amounts of capital in the various branches of domestic manufactures. Great numbers of the laboring population of the country are dependent upon mechanical and manufacturing pursuits for the means of subsistence; and the prosperity of entire States rests upon the continuance of the protective system. The capital involved in the growth and manufacture of wool in the United States, amounts to one hundred and sixty-four millions of dollars. The annual produce of this branch of industry alone, is forty millions of dollars. Three-fourths of this amount is the produce of agriculture. In truth, sir, this great interest is, more properly speaking, agricultural than manufacturing. Its sheep is valued at forty millions. Great as this interest is, it is the weakest point of the American system, and one against which the combined efforts of domestic opposition and foreign competition are concentrated, with a power that threatens to overwhelm it. Yet, sir, by the bill on your table, the duty on the middling and finer qualities of cloths is put at twenty per cent., and that on the coarser kinds, used exclusively by the Southern States, at five per cent.; reducing the average far below that of the tariff of 1816. The duty on wool is fixed at fifteen per cent. Whilst wool and woollens are thus thrown open and exposed, the duty on iron ranges from twenty to ninety-three per cent. This hall has often rung with severe and bitter invective against the monopolising manufacturer, and justice has been demanded for the labor of the agriculturist. But now the first fatal thrust is made at the great farming interests of the Western, Middle, and Eastern States. By this bill, the duty on tobacco of ten cents a pound, equal to thirty-three per cent., is retained. Since the year 1790, the duty on this article has been nearly or quite up to the point of prohibition. The chairman of the committee has not seen fit to explain to us why this product of Southern agriculture is still entitled to this discriminating favor of the law. I should be glad to learn from some of the able Representatives from Virginia, how it has happened that this important staple of that venerable commonwealth has been the object of high protecting duties from 1790 down to the present time. I do not name this as a subject of complaint.

The capital employed in the manufacture of cotton is 45,000,000 dollars, and it produces an annual value of 32,400,000 dollars. This branch of manufactures constantly employs 62,000 persons. It works up yearly about 80,000,000 pounds of cotton, exclusively the production of our Southern plantations. The fabric wrought from this great staple of the South is in universal use among all classes of the population of the Northern and Eastern States. The household manufacture from flax and wool has almost entirely given place to this cheap and valuable article. The duty on imported cotton cloths is fixed by the bill under discussion, at twenty per cent. By the operation of the minimum principle in the tariff of 1816, the duty on a yard of imported cotton cloth, costing in the foreign market eight cents, was six cents and a quarter. By the present bill it is about one cent and a half per yard.

The committee have also seen fit to impose a duty of twenty-nine per cent. on tea, nine per cent. more than the nominal amount of that upon the two articles of manufactures that I have mentioned, which are so essential to the comfort and independence of the country. The laborious farmer and mechanic and manufacturer, whilst he sees himself and his interests abandoned by the national legislation, is made to pay a duty upon an article of daily and necessary consumption, one-third greater than that which is imposed upon the foreign articles which come in competition with his own industry. Is this equality? Is this, sir, the boasted justice of the bill designed to calm the public discontent? The amount of capital employed in these two branches, added to that embarked in the manufacture of iron, of glass, of paper, of sugar, of salt, and of numerous other establishments scattered all over our country, certainly presents an aggregate of sufficient magnitude to claim the consideration of the American Government.

But, Mr. Chairman, what has been the effect of the protective system upon the prosperity of this country? If any one doubts its beneficial influence upon the great and diversified interests of the widely extended people, let him compare the situation of the country since the tariff of 1824, when a practical efficiency was given to the principle, with its drooping, struggling, embarrassed condition for the same number of years preceding that period, and his doubts will be solved. At the opening of the present session of Congress, the Chief Magistrate, with great truth and propriety, congratulated the country upon the signal prosperity which pervaded every part of the Union. The Executive messages communicated to the various State Legislatures carry with them the same evidence of the civil, social, and political blessings diffused among the citizens of this great republic. The eye of the Creator never beheld a people in any age of the world, or on any part of the globe, who enjoyed, in such rich profusion, the means of happiness, and who had at their command so many resources of individual enjoyments, and of national prosperity, as the present population of the United States. Are these rich blessings the fruits of a wise or an unwise public policy?

Mr. Chairman. Has it been seen in nature, that the flowers of spring bud and blossom, and beautify the earth under the influence of perpetual frosts? Is the earth green and verdant, and does it yield to the husbandman a plentiful harvest, where the poisonous simoom blows its withering blasts? And, sir, will it be contended that, under the operation of unwise, improvident, and oppressive laws, the people of any country, no matter what may have been their natural advantages, ever advanced rapidly in population and in wealth, and in all the arts and improvements that adorn and embellish private life, and add dignity and consequence to national character. Such an assumption would set at defiance every principle of political economy, and call in question the truth of all history. Why, then, is a policy under which the country has reached an unrivalled prosperity, to be rashly assailed and destroyed? Are we growing impatient under too much good fortune? Has great success made us restless and eager for a change? Let us take counsel of experience, and learn wisdom from the past, before we take a step which we may not be able to retrace.

We are again told that the public debt will soon be extinguished, and that the revenue must be reduced to the wants of the Government. Again this is admitted; but, sir, we say that this may be done so as to spare the protecting duties, leave uninjured the great interests, and do justice to every part of the country. Sir, the industrious, high-minded people, whom I have the honor to represent on this floor, though they cling to the protective system "as the sheet-anchor of their hope," are too just to be willing to prosper at the expense of their fellow-citizens in any other portion of this Union. They do not ask that high taxes should be kept up for their benefit. But when the total extinguishment of the national debt shall render it necessary to reduce the annual revenue many millions of dollars, they ask, and permit me to add, sir, they have a right to demand, that it shall be so done as not to involve them in ruin, if, by sparing them, no injury or injustice shall be done to the rights and interests of other parts of the country. They have the fullest confidence that all these desirable objects are attainable. To accomplish them is a work of care and great deliberation.

The Committee of Ways and Means inform us that one section of the country complain of unequal burdens. Have they so cautiously and fully examined into the ground of these complaints in all their bearings, as to be able to pronounce upon their justice? They have not attempted to show what will be the probable operation of the bill they have reported upon the various interests of the country. And although they have treated the subject as a simple financial one, they have not shown what proportions of the amount which they propose to raise will be paid by the people of the several States. To frame a mere revenue bill intended to be permanent, should not this knowledge, so far as it is attainable, be in the possession of the Legislature? The adoption of the resolutions, offered a few days since by the gentleman from Rhode Island, would bring before this House, and the nation, a mass of useful facts and information upon this important subject.

A majority of this House, at their last session, after much discussion, in a spirit of compromise, fixed a rate of protecting duties, at what they then believed to be the lowest point to which, in safety, they could be reduced. No new evidence has been laid before us since the passage of that law. Would it now be prudent, would it be wise, would it be just, for that majority, before they can see, or can know, the effect of that law, greatly to reduce the duties then believed to be fixed at the lowest point of safety?

Mr. Chairman: In my poor judgment, the passage of the bill on your table would uproot the foundations of the protective system, and lay low the costly superstructure which the people of this country, under the plighted faith of their Government, have, for a long course of years, been building upon it. The temple of a nation's industry, though the work of time, of skill, and of protracted labor, may, with all its beautiful proportions, its massy pillars, and its ponderous columns, be destroyed in a day. But, sir, days, and months, and years, would not rebuild it. Strangers and foreigners could revel among its ruins, and those whose madness and folly caused its destruction, would become a by-word among the nations.

Sir, pass this bill, and capital will be sacrificed, establishments broken up, and villages depopulated. The price of labor will be greatly reduced; thousands of industrious people turned out of employ, with no means of support; the value of real estate will be diminished; millions of flocks which have been improved and cultivated, with much care and expense, will be destroyed, and the whole country filled with embarrassment, bankruptcy, and distress. If this scene of wide-spread ruin, in one region of country, would be followed by a correspondent benefit to any other portion, there would, at least, be a melancholy satisfaction in the reflection, that the aggregate happiness and prosperity of the whole would be preserved. But no such consequence would be the fruit of this rash measure. Delusive would be the hope that should look for it.

Mr. Chairman: We stand at an interesting point of our country's history. That period of our existence as a nation, which should have been one of brightness and of jubilee, is full of difficulty and gloom. We are intoxicated with prosperity. A wide difference of opinion, as to great and leading measures, divides the minds of those who mingle in our public councils. The powers and duties of this Government, under the constitution, which all profess to revere, are the subject of ardent and bitter controversy. In one quarter of the Union, the authority and solemn decisions of the supreme judicial tribunal of the country, have been entirely disregarded. A respectable State of this Union, denying the constitutional right of the General Government to pass certain laws of universal application to the people of the whole Union, has thrown herself upon her sovereignty, and set the Government and its laws at defiance. The national Executive, in dignified and determined language, has officially declared his intention, by all the constitutional means within his power, to cause the laws of the land to be executed. The manifestations of a design to change the great public policy, under which we have reached the high eminence on which we now stand, is not the least of that combination of evils which, at this moment, obscure our prospects. To say that there is nothing in all this portentous array of difficulties, that ought to excite the apprehensions of the patriot, and arouse him to the cool and deliberate performance of his duty, would be mere affectation. Not to feel a deep solicitude for the honor, the glory, and the happiness of our beloved country, would be criminal stupidity. But, Mr. Chairman, there is nothing in all this that should appal or dismay us. In the moral and political, as well as in the natural world, storms and tempests will occur when the agitation of the elements will seem to threaten an universal overthrow. Yet, calms and sunshine have succeeded, and will succeed these irregularities and convulsions. In the short, but eventual history of our own republic, difficulties of the most serious and embarrassing kind have hung over, and threatened us. Under the most appalling circumstances, an appeal has, never in vain, been made to the good sense, the enlightened judgment, and the lofty patriotism of the American people. I have much mistaken the indications of public opinion, if there is not now abroad, among the people of this country, an enlightened, patriotic, and holy sentiment, which will triumphantly carry us through all present difficulties and dangers. Let us, then, who stand here as the Representatives of that people, in the calm possession of all those faculties so essential to right action, march boldly forward and do all our duty. But be careful that we do no more than our duty. There is, in times of excitement, at least as much danger from precipitation, as from action. Be just, fear not, and leave consequences to Him, whose watchful providence sees the fall of the sparrow, and who holds in his hands the destiny of nations.

Mr. DEARBORN having next obtained the floor, moved for the rising of the committee.

The question being put, and tellers appointed, the motion was negatived.

Mr. D. said that as a majority of the committee appeared to choose that the discussion should proceed, although the hour was already later than the usual time of adjournment, he should be actuated on this occasion, as on all others, by the true principles of a republican Government, and respectfully bow to the will of the majority. In a crisis like the present, no man who felt any solicitude for the future weal or wo of his country, could refuse any sacrifice which it might be his duty, or in his power to make for her present prosperity, and future advancement.

The House had been suddenly and most unexpectedly called upon to decide, at once, upon a measure of the deepest importance; and this, almost immediately after having placed the subject to which that measure related, on what had then been understood by all, as a permanent basis. For what object had this Government been organized? For what object were all Governments organized?

Was it not to enable the whole community to do what a part was unable to effect? None who were familiar with the history of this country, down to the close of the revolutionary war, but must see the necessity which had existed of clothing the General Government with ample power to regulate our great national interests, or fail to be convinced that such a Government was indispensable as much to individual prosperity as to the national glory.

Under the old confederation, although we had gained that independence which was the object of our struggle, we found that we were enjoying none of the fruits of that long and arduous contest; foreign competition drove from our workshops every native mechanic; our commerce enjoyed no share of that of the whole world on the great highway of nations; nor could the individual States secure to their own citizens those benefits in which they had hoped to participate, and to which they were justly entitled. All became convinced of the necessity of a power, somewhere, for the protection and security of the great branches of domestic industry. It was these considerations, and this experience, which had led to the establishment of our Federal constitution; and should it not now be considered as more than ever the duty of this House, to further the great end of its creation, by giving and continuing a vigorous protection to every species of the home industry of the country? Here, in this very hall, had been born the genius, the Hercules of our national industry. Here was his cradle, and here was he nurtured and fostered, until he had reached the port, bearing the strength of manhood. This House had sent him forth to perform his great labors; but now, in the midst of them, before the one-half, nay, before the hundredth part of them had been achieved, and at a time, too, when the broad ægis of the republic should be extended over him, for protection against foreign assailants, he is presented with a poisoned tunic—not as a test of his fidelity to his high duties, or of his great merits, but in scorn; knowing it to be impregnated with a subtle and leperous distilment; and while he writhes in the agony of death, one portion of his country looked on, with triumphant satisfaction—gazed upon the fearful spectacle with malignant joy, when the rest of the land were penetrated with the deepest sorrow and commiseration, and are absolutely struck mute with astonishment.

The House were now told that they must accommodate the revenue to the wants of the Government, and that it must not exceed them. Mr. D. did not object to the correctness of this doctrine. He, also, would be in favor of graduating the revenue to the "wants" of the Government. But he differed, mainly, from the committee who had reported the bill in regard to what the "wants" of the Government were. Hitherto the current expenses of the army, the navy, and the civil list, had not been considered as the only wants of the Government.

[Here Mr. D. gave way for a motion which was made by Mr. INGERSOLL, that the committee rise. The motion having been negatived, Mr. D. resumed.]

Every President of the United States, every Secretary of the Treasury, every distinguished legislator and statesman in our country, had looked forward to the period when the national debt should have been paid, as the time when extensive lines of intercommunication were to be formed between all parts of our wide-spread empire, and a system of internal improvement fully developed, which should absorb and apply all the surplus revenue of the exchequer. Hence all parts of the country had been willing to submit to some sacrifice of their wishes for a time, in the hope that, when once the public debt should have been discharged, ample funds would remain to prosecute, successfully and triumphantly, the noblest plans for the improvement of our country. Ever since the last war, infinite pains had been taken by the Executive to obtain, through every channel, such information, and to promote such examinations and surveys as should prepare the way for carrying that great and desirable national object into full execution. Why, else, had the services of the most accomplished engineer of Europe, the illustrious Lieutenant of Napoleon, been secured? Why, else, had our topographical corps, as well as that of engineers, been despatched into all the States of the Union, to take the levels of mountains, trace the courses of rivers, examine the practical lines of intercommunication between the great lakes and the vale of the Mississippi, and with the ocean; sound the depths of our numerous harbors and estuaries, and complete extensive hydrographical and other surveys, with a view to the practicability and expediency of striking out new directions for canals, roads, and railways, and opening new channels for the internal commerce of all parts of the Union, as well as for affording facilities to that with foreign nations? Why had all this been done, if it was not contemplated that these plans were, at no distant day, to be realized, and these various works undertaken and completed? But now, what did he hear? All these works and magnificent projects were unconstitutional, impolitic, inexpedient. That they formed no item in the "wants" of the Government, and that these "wants" were to be narrowed down to the ordinary expenses of the civil and military lists.

It had been anticipated that, besides carrying forward works of internal improvement, some encouragement was to be given to literature, to science, and the arts; that our republic would have given birth to some institutions, which should enable her young men to enter upon her service under auspices as favorable, at least, as were afforded by the old kingdoms of Europe. But this hope was also to be abandoned. Our youth, it seemed, enjoyed such unrivalled facilities for the acquisition of information of every kind, that they stood not in need of the munificence of the General Government; they were already, it must be presumed, capable of rivaling the ablest scholars, philosophers, and artists, of the Eastern continent, owing to their great natural genius and talent, and their unequalled propensity for acquiring information of all kinds. Or do they grasp, by an extraordinary intuition, those great results, which, ordinarily, are obtained by long study, laborious research, the aids of seminaries of learning, extensive libraries, cabinets of natural history, philosophical apparatus, observatories, galleries of paintings, museums of sculpture, and the rich endowments of a wise prescient and fostering munificence?

Mr. D. asked gentlemen to point out to him, during all the most splendid eras of antiquity, or through all the annals of modern times, a single nation which had reached the highest grade of refined improvement and intellectual pre-eminence, that had not had extended to its citizens the fostering hand of their Government. And should we, because we enjoyed a free and republican Government, linger behind the age? Should we be ambitious of falling back into a state of semi-barbarism? Because we were free, was it necessary that we should be as wild and untutored as the savage who roams the wilderness, and required not the embellishment of letters, or the refinements of an exalted state of civilization, but that we should rejoice in our humiliating condition, and luxuriate in degradation, while boasting of the splendid theory of our political institutions? No, sir; so far from it, education is indispensable to the very existence of the Government. The whole people must be enlightened. Intelligence constitutes the deep and broad foundations of the republic; and that magnificent superstructure will inevitably tumble into ruins, unless instruction becomes as universal as the right of suffrage. Civil liberty and ignorance are incompatible; they never have and never can be coexistent. The former perishes with the decadence of moral culture, and is lost in the darkness of benighted intellect.

[Here Mr. D. again gave way, and Mr. Arnold moved for the rising of the committee. The committee refusing to rise, Mr. D. proceeded.]

The reasons on which so great a reduction of the imposts was urged upon Congress, were mainly these: that the present amount of revenue was not required to meet the current expenses of Government, and that the burden fell, in a manner peculiarly hard, and even oppressive, on a particular portion of the country; and a part of it, which was the loudest in its denunciation of a policy, which had originated with Southern men, and had received the sanction of this Government ever since its organization.

If there was any portion of the Union which had a just right to complain of the inequality of the manner in which the revenue was collected, it was the North. The principle which had been ingrafted into the constitution as the ratio of representation, had long been contested in the convention which had framed that instrument; and, after a protracted and strenuous debate, many entertained fears that the subject never could be satisfactorily arranged, and the difference had finally been compromised by consenting that the taxes paid by the several portions of the country should be in proportion to their representation in the National Legislature. When this principle had been agreed upon, it was presumed that a large portion of the revenue would be obtained by direct taxation; and that that part of the Union which depended upon slave labor, and which enjoyed a representation, founded, in part, upon the amount of slave population, would pay an equivalent for that privilege, in the amount of such taxation. But what had been the practical operation of the system? Nearly the whole revenue of the nation had been obtained from the customs; the whole wants of the Government, except during a short period of *quasi* war with France, and the late struggle with Great Britain, had been derived from this source almost exclusively. And, notwithstanding the loud complaints of the South, he believed it was a fact that could be demonstrated, that the Northern States actually paid two-thirds of the whole revenue of the Union, while the South, at the same time, enjoyed an excess of representation, on the ground of her slave property, amounting to two-thirds of all the votes of New England in that hall. So that they did, in fact, control and regulate the industry of the New England States, and enjoyed a representation amounting to two-fifths of the whole delegation from the slave-holding States. The North, however, had not (recently at least) complained of this state of things; but in the incipient stages of such a system there had been but one voice heard in relation to it, and that a voice of the most decided opposition. The North had, in fact, been driven into it by coercion. Being, however, at this time deeply involved in it, and a large part of her capital vested in manufacturing establishments, she was now asked suddenly to abolish the whole; while on her alone was to fall the whole ruin, and still she was to assent to all this as a great, magnanimous, and patriotic sacrifice on the altar of the republic. There was no part of the Union more willing to do, what the great and general interests of the whole country demanded, than the Northern States. They had proved this—fully proved it. During all the adverse fortunes and perilous struggles which were encountered for freedom, independence, and our national existence, prosperity and glory, they were familiar with sacrifices. Ever since the time when their forefathers first leaped upon Plymouth rock, they had been contending against difficulty, opposition, and oppression, in every form, besides the sterility of an ungenial soil, and the storms of a cold and inhospitable climate. They had long been accustomed, at whatever personal cost or hazard, to perform the great duties, both physical and moral, which they owed to themselves and their country; and even now, if it were desired of them, under any colour of justice, equality, or patriotism, that they should do some great act, beyond all precedent, and all custom, they would be willing to attempt its accomplishment. But here, the sacrifice, instead of being a noble and general act of the whole country, it was to be entirely local in its consequences, and the whole sacrifice was to be on one side only. They were asked to surrender, at once, all their interests, in order to propitiate what appeared to them an imaginary grievance on the other side; and this, too, where no new facts were adduced, nor a single word of argument advanced to show why such a vast sacrifice ought to be made, exclusively on their part; and why it must be made at this moment. The Executive had said that, if the blow must fall, let it fall gradually, slowly, mercifully, so that those who suffered might be as little sensible as possible of the injury inflicted. But the bill they were thus pressed to pass allowed but a single year for the fatal change. It went to destroy, *in toto*, the two great staple branches of their manfacture. Yes, to destroy them: for a protecting duty of twenty per cent. on woollens and cottons, was, to all practical purposes, just the same thing as a total repeal of all duties on those articles.

Mr. MILLIGAN here renewed the motion that the committee should rise.

Mr. DEARBORN said that if the motion was submitted, with a view of relieving him from the task of proceeding, at that late hour, he begged to observe to the committee that he was ready and anxious to go on to the conclusion of his remarks, being sensible that there was a disposition to insist upon remaining in session until the discussion was closed on the amendment. It was not his intention to occupy their attention much longer.

The vote was then taken by tellers, and there appeared: Yeas 59, nays 61.

So the committee refused to rise.

Mr. DEARBORN then proceeded with his argument. It would be perceived, on an examination of the principles and details of this bill, that an important change would be effected in the event of its passage, and particularly in the operation which it would have upon one of the most important branches of American industry, the cotton manufactures. The object of the whole bill, the avowed and declared object, was a general reduction of the aggregate amount of duties. Now, the duty for instance, on coarse cotton fabrics is such that they cannot be imported; but if this bill shall pass, and the duty be fixed at one cent and four mills, instead of 7½ cents the square yard, the consequence must follow, that the country will be inundated with them. There are now manufactured in the United States at least 225,000,000 yards of cotton cloth, and if, in consequence of reduced duties, one-half only of the factories were ruined, the quantity imported to meet the demands of consumption, would yield a revenue of 1,500,000 dollars at least. So that, in point of fact, instead of diminishing the revenue, which it could not be denied was the proposed aim of the bill, you are led by it to an increase. If this single provision involved, then, what was considered such deleterious effects in the enhance of the revenue one million and a half, might it not (Mr. D. asked) be fairly presumed, that when all the injurious consequences of the proposed tariff were fully realized, and nearly the whole of our domestic manufactures cut off by the utter prostration of that all-important portion of our national industry, the necessarily increased importation of foreign cotton fabrics, coarse and fine, would be accompanied by an augmentation of the revenue of three or four millions at the least, and, in all probability, of an increase still greater on cottons alone. There could be but little doubt of this fact; the receipts of the customs would speedily show it, and he mentioned it as one of the most striking characteristics of the bill, displaying, he thought, in an eminent degree, the inconsistency of the measure, with the object aimed at, by those who advocated it. But this is not all; for the same act will, as effectually, annihilate the woollen manufactories, and the goods of that material, which must be received from England to fill up the hiatus thus occasioned, will yield an additional revenue, of an amount, at least equal, if not much greater, than that estimated on cottons. He would not enter further into the details of the bill; that had been done already by the honorable gentleman from Pennsylvania, and his honored friend from Connecticut, and in a manner so lucid and able as to bring conviction to every impartial mind, that so monstrous a bill could never receive the sanction of that House. If it should become a law, it would bring a sweeping and irresistible ruin upon the whole country, and the South would ultimately be the greatest sufferers. In the North nearly a generation must have passed away, before that section of the Union could recover from the tremendous shock; but it would recover; for there is a recuperative energy of spirit in the citizens of New England, which enables them to rise superior to the adverse frowns of fortune. They are, from necessity, industrious, patient of suffering, economical, and enterprising. Being born to poverty as an inheritance, it is indispensable that they should unceasingly labor; and as labor is the source of all wealth, individual, and national, they will gradually retrieve their dilapidated condition, and sooner escape from the thraldom of general embarrassment than South Carolina; for there, but half of the population are habitually laborious, and their efforts are directed to the least profitable branch of industry, the cultivation of the earth; a pursuit by which alone no nation has ever risen to eminence, either in wealth, power, or glory. But there, the physical energies directed to that employment, is not only the most expensive, but the least calculated to produce favorable results, if capable of equal endurance with freemen in the fatigues of the field; while, in the North, all are obliged to labor, old and young, male and female; and that their industry is mostly directed to the most profitable pursuits; those by which nations have ever attained the highest rank in the history of civilization; the mechanic arts, manufactures, navigation, the fisheries, and commerce; while agriculture, in all its diversified departments, is the alternate cause and effect of the general advancement of each and the whole. And, in addition to all this, by the wonderful discoveries in mechanics; the mighty invention of the steam engine, and, consequently, the immense power gained to labor-saving machinery, which has been extended to the most simple operations in the useful arts; the aggregate labor of the entire population has been more than quadrupled, making it at least eight times as great as that in the State which denounces us as growing rich upon its oppression, and by plundering the honest earnings of the inhabitants.

Here, then, is the true, the real, the only cause of the more rapid improvement in the condition of the people in the North. It is not the mere effect of tariff laws, but of their universal, untiring, and more lucrative industry; and if the whole system of protection was swept away, the former would not find its position improved, or the difficulties by which it is environed, obliterated. The same species of labor employed in one manner, and mainly on the same culture, would still be the only basis of wealth, and afford the only means of general subsistence and accumulation; of meeting the demands of consumption, and offering the hopes of affluence; while in the latter, although the calamity would, for a period, be more disastrous, and spread ruin and desolation over the rugged, but prosperous clime, of New England, still the people would, in time, repair their broken fortunes, and by seeking out new channels for their enterprise and adventurous action, again assume that thrifty and cheering aspect for which they are now distinguished.

Why, then, make this rash, this hazardous experiment? Why attempt to confer a doubtful benefit on one portion of the nation, when a palpable, grievous, and inevitable injury, will be inflicted upon another equally entitled to the consideration, and protection of Government.

There was another very serious objection to this measure, and which should not be lightly passed over at a time like the present. In acting upon the subject before them, they were legislating under a menace. Was it proper, was it wise, was it expedient, to proceed under such circumstances? Did their action, under a threat, in the event of not complying with the request of any association, whether a body of individuals, a State, or a combination of States, comport with the dignity of the Congress of the United States, or a just regard for the honor and character of the nation? They were told that there was danger of internal commotion in case this bill did not pass; there was danger of civil war; but even if so—and the very apprehension of such an event was to be deplored—yet war, and even civil war, was not the greatest calamity that could befall a nation. National dishonor is infinitely more to be deprecated. All nations, the most wise, intelligent, and pacific, in all ages, had plunged into war, when justice was to be sought, and reparation for national injuries was to be obtained in no other way. Although he (Mr. D.) was well aware that the most terrific, the most horrible, the most appalling of all wars, were those growing out of the discontents of our own people, our respected fellow-citizens; yet, even under the inevitable consequences which must ensue from such a war, and amidst the reflections which a contingency of this nature must lead to, he could not permit the consideration to operate on his mind, when a duty was to be performed due to his constituents and his country, of such a high and paramount character, as that which demanded that the power of the Government should be respected at all events, and at all hazards. He repeated, that even the anticipation of civil war ought not to shake them from their propriety. What right had a State to array itself against the General Government, and to assume the right and power of deciding upon the constitutionality or unconstitutionality of a law of the Congress of the United States, or the expediency and propriety of allowing it to be carried into operation? Such a power is not to be found in the constitution; and the exercise of such a power ought not to be, must not, cannot be permitted. Every State, and every citizen of the States, were bound to abide by the laws until the question of their constitutionality should have been decided upon by the proper judicial tribunals. The words "State rights" and "State sovereignty," bore certainly a lofty, magnificient, and imposing sound; but they brought his understanding to a very different conclusion from that which operated upon those by whom they were bruited abroad. Such a thing as "State independence" and "State sovereignty" never existed, according to the true and legitimate meaning of these terms, as applicable to a sovereign and independent State or nation. The power of a free, sovereign, and independent nation, never existed in any one of the States of the Union. The gentlemen who maintained such doctrine could not point to the moment of time, when the high attributes of sovereignty now claimed and exercised by a portion of the South, ever were possessed by either of the States, from the period their charters were issued by the monarchs of Great Britain, to this day. Before the war of the revolution, we were dependent colonies, and, as such, we continued up to the time when the spirit of freedom was awakened into decided action at the meeting of the first Continental Congress. The declaration of independence which followed, was hailed as a national measure, and the Congress exercised all the power of sovereignty. That Congress made war and peace, negotiated treaties, raised armies, equipped fleets, created maritime courts, built forts, established military codes, and courts martial, and, in fact, took every measure appertaining to the exercise of sovereign authority. This continued to the period of the confederation, when more enlarged powers were given directly to that body, and it continued thence until the adoption of the present constitution. He challenged gentlemen to show a single instant, during all the successive events which marked this period, when any one State exercised an independent sovereignty; when any one State fell back with such pretended propriety and dignity as is now claimed on its "reserved rights," in the hour of imaginary peril, of presumed wrong, and intolerable oppression. There was no difference in the passage of laws by a State Legislature, in contravention of the laws of the General Government, than in the passage of such nominal laws by a combination of irresponsible individuals. They might give it what name they chose, but he would maintain that an armed resistance to the laws of the United States was, in the words of the constitution, and the language of our statute book, and courts of justice, insurrection; rebellion; high treason. No matter by what name, or under what form, what specious pretext; no matter with whose sanction and solemnities, even under the authority of persons of the highest character, and hold the highest offices; still if a forcible resistance is given to the laws, he, (Mr. D.) knew, of no name by which to describe it, than that which was to be found in our criminal code.

That those who advocated the contrary opinion were sincere in the expression of such opinions—that they numbered among them gentlemen actuated by the highest sense of honor, and of the greatest purity of character, he was not disposed to deny—it could not be denied. But, considering the wonderous changes which had taken place, and were daily taking place, before their eyes, it could not but be admitted that madness exists somewhere: it was evident to him, he repeated, that either he was demented, or that sanity was wanting in the South. It might be said, that the doctrine of nullification must be the correct one, or it would not be held by men of such high attainments, and such enlarged views, as some of its supporters unquestionably are. But, Mr. D. said, there is a species of political metaphysics which bewilders the greatest minds. Even among the ablest astronomers, mathematicians, and writers on the philosophy of the human understanding, and its pursuits, they would find many, or indeed most of them, indulging in the wildest systems, propagating the most preposterous ideas, following the most vague conceptions, supporting the most chimerical and absurd theories, and losing themselves in the perplexing mazes of the vainest and most idle speculations. The great Descartes, a man pre-eminent for his erudition, his extensive learning, his vast scope of intellect and exuberant imagination—a genius which gave tone to the age in which he flourished, was deceived and bewildered in the profound depths and inextricable involutions of his own magnificent, yet absurd, theory of the universe. In the wide range of those most distinguished for their attainments in the science and the philosophy of the mind, there was scarcely an author who belonged to the infinitely varying schools of metaphysics, with the single exception of Locke, who had not been dazzled and confounded by the dreamy conceptions and evanescent shadowings of their own brilliant fancies, and whose bright and glorious theories had not vanished

> "Like the baseless fabric of a vision,
> "Leaving not a wreck behind!"

There was nothing tangible in their speculations, or in the deductions to be drawn from them. And, after all, what was there to be looked to, as resulting from the researches of the most acute intellectual power? Nothing but the establishment of some great truth, which can contribute to the advancement of human happiness. I have excepted the immortal Locke from that class of eminent authors, who claim the province of developing the mighty attributes of the human mind, to trace the measureless aberrations of thought, to scan the evanescent scintillations of reason, to open that sealed book which contains the mysterious secrets of the soul, and to reveal that lofty spirit of man, which seems to prompt to aspiring conceptions, like the emulous soaring of a divinity. For Locke, alone, of all that imaginative class, has poured the light of reason upon a subject which has engrossed the attention of so many renowned writers in every age and country. Metaphysicians have been proud to claim him, as giving honor and dignity to their school of moral philosophy; but he is infinitely above and beyond them; for, like Newton, he sought truth, the only worthy and proper object of inquiry, and his efforts were crowned with triumphant success. Let us not then be deceived by any specious theories, and bear in mind that there are political as well as all other kinds of metaphysicians, and that their systems are too often as chimerical and extravagant in character, as they are dangerous and revolutionary in consequences; and when we find they are zealously propagated, and have obtained willing advocates among any portion of the people, does it not behoove us to to be on our guard against delusion; to seriously reflect, and shrewdly doubt assumptions which are of most deleterious influence, and tend to endanger the stability of the Union? Should not the young, at least, be forewarned to go back to other times, to examine into the fundamental principles of the constitution, and seek to gather wisdom from the lessons of the honored head, and the experience of the venerated sages of the land.

At a time like this, when the whole country is excited, and we are, apparently, on the eve of momentous events, big with the fate of this vast empire, and of the cause of civil liberty throughout the globe; when our future destinies are dependent upon the policy by which the National and State Governments are guided; and when a false step may be ruinous to both, and most disastrous to the whole people—who can doubt of the expediency of taking counsel of the most able and accomplished statesman this country has produced, as to the rights of the States, the powers of the Federal Government, and the interests of the people. For, who can hesitate to be guided by the advice, and governed by the opinions of one, whom but to name was to praise—the great commentator on the constitution, the revered sage of Montpelier. That distinguished and virtuous man, with his mighty faculties still clear, bright, and energetic, as when presiding over the fortunes of the republic, in the plenitude of his fame, was now beyond the influence of ambition, and could be actuated only by the purest and most patriotic motives. And him we now behold faithful to the principles by which he has been ever governed, still maintaining the same constitutional doctrines which he had so ably advocated at the period of the adoption of the great charter of our rights. And where, Mr. D. inquired, is the man, in this broad land, to whose opinions more honor and deference is due, than to those of James Madison? After having filled with applause the highest offices in the gift his fellow-citizens, he had retired to the enjoyment of private life in the shades of Virginia, and he was there waiting but the summons of Omnipotence to join his great compatriots in the bright realms above.

Mr. D. went on to delineate the course pursued by Mr. Madison in the convention, and to the ability with which, as one of the illustrious trio, Madison, Jay, and Hamilton, by whom the principles of the constitution had been developed and advocated in the memorable numbers of the Federalist. These pure doctrines he had supported in the National Convention, and that of his own State, while a member of Congress, while Secretary of State under Jefferson, and carried into effect when occupying the position of Chief Magistrate of this Union. He was now the last of those honored and glorious men, those distinguished statesmen, who had put their names to the holy decalogue of our liberties, the constitution of the United States; and was it not singular, indeed, that the opinions of one whose character is marked by so many excellent and beautiful attributes, should be disregarded, and this, too, at a time when present and coming events render them, if possible, of more inestimable value? That the efforts of a mind so lucid in conceptions, so clear and true in its inductions; a mind which still continues to shed light, and intelligence, and glory, on all subjects upon which it is directed, should fail to dispel the doubts in which this startling, this all-engrossing question is, by some, considered to be enveloped.

Mr. D. adverted to the letter recently written on the subject of constitutional powers, and observed, that to him he would go for knowledge, instruction, and advice, as did the Israelites of old, to their venerable patriarchs, in the times of their greatest tribulation and darkness. Younger men than that revered patriot, may possess as wide a scope of talent, or as great a range of thought; but the energies of their minds had not been matured and softened down by the consummate knowledge of mankind, to be acquired only in the long years of an experience like his. His opinions were made still more irresistible and irrefutable by a life, prolonged as it has been, and as it may be devoutly hoped will be, for the blessing of his country; a life unstained, and blameless of reproach, through a long succession of years. It was this which stamped on the opinions of James Madison, a value and authority beyond those of any other individual in this nation. If, in his own State, opinions variant from his, had since been broached, and ably maintained, by far younger men, it would seem to him, that so bright a career as that which, with wonder and astonishment, they had beheld for so many years, would be sufficient to cause them to hesitate, as to the soundness of their own views, when they had, in the midst of them, one, whose whole, pure, unsullied, and illustrious life, was, in itself, so stern a rebuke of the course they were pursuing.

God knew that he (Mr. D.) had once hoped that this country would be blessed beyond all others. That she was destined to a career brighter and more glorious than any which had yet adorned the page of history. Yes, he had seen the sun of her political glory ascending resplendently from the horizon; he had beheld him climb the skies with increasing brightness, and just as he culminated in the ecliptic, and was filling the whole firmament with his effulgence, he appeared, prematurely, to grow pale, dim, and lurid; and either suffered an unexpected eclipse, or was suddenly changed to a portentous and baneful meteor, rushing madly from the zenith, and soon to be quenched in the frowning darkness of an interminable night. But, Mr. D. had hoped for more favorable auspices. He had gazed with amazement, with the deepest interest and solicitude, on the lowering and fearful aspect of the heavens, and doubted not that it was but a partial, transient, and temporary penumbra, and the glorious orb would again burst forth with renewed splendor.

This republic had triumphantly passed through many severe ordeals. Our free Government had successfully encountered innumerable difficulties, which seemed to threaten its speedy destruction. It had endured the whirlwinds of party strife; the withering influence of embargoes and non-intercourse; the appalling horrors of insurrection, and the tremendous shocks of war itself, with accumulated vigor and increased prosperity; and it would again come forth, with undiminished grandeur, from the deep gloom of impending rebellion and civil war, and long continue to bless our own favored and flourishing country, while it irradiates the world with its cheering effulgence. He trusted in God that the pillars of our own magnificent temple of liberty would not be shaken by the earthquakes of public commotion; and he feared not, that its lofty dome, looming like a beacon light to the oppressed of every clime, would be hurled in fragments upon the desert air, by the furious tempest of a sanguinary revolution.

The committee then rose, and the House adjourned.

Tuesday, January 15.

DISTRIBUTION OF SURPLUS REVENUE.

Mr. STEWART offered the following preamble and resolution, and moved that it be laid upon the table:

Whereas it was declared by the President of the United States, in his message at the opening of the first session of the twenty-first Congress, that, after the extinction of the public debt, it is not probable that any adjustment of the tariff, on principles satisfactory, will, until a remote period, if ever, leave the Government without a considerable surplus in the treasury beyond what may be required for its current services; and that, in his opinion, "the most safe, just, and federal disposition that could be made of the surplus revenue, would be its apportionment among the several States, according to their representation," which recommendations have been since reiterated in subsequent messages from the same high source: And whereas the President has congratulated Congress, at the opening of the present session, upon the near approach of the period referred to, when the public debt will be entirely extinguished, and a considerable surplus remain in the treasury; therefore,

Resolved, That the sum of five millions of dollars (if the surplus revenue shall amount to so much) shall be annually apportioned among the several States, according to their representation; one moiety thereof to be appropriated to works of improvement of a national character, and the other to the purposes of general education; and that the Committee on Roads and Canals be instructed to report a bill accordingly.

Mr. WILDE moved the question of consideration, viz: Will the House now consider the resolution?

Mr. STEWART suggested to the gentleman from Georgia, that the resolution might be suffered to lie upon the table.

Mr. WILDE demanded the question of consideration.

Mr. STEWART inquired of the Chair if the refusal now to consider would preclude him from moving its consideration hereafter? Being informed that it would not, he said he did not wish the House now to consider the resolution, but that at some future day, after time had been afforded to examine it, he would move for the consideration of the subject.

Mr. WILDE said that, in a crisis like the present, he could not withdraw his motion, though he regretted not being able to comply with the request of the gentleman from Pennsylvania.

The question of consideration was then put, and decided by yeas and nays, as follows:

YEAS--Messrs. Chilton Allan, Arnold, Babcock, Banks, Noyes Barber, Barstow, Bucher, Burges, Cahoon, Eleutheros Cooke, Bates Cooke, Cooper, Corwin, Crawford, Creighton, Dearborn, Dickson, Ellsworth, G. Evans, Grennell, Hodges, Hughes, Ihrie, Kendall, A. King, Letcher, Marshall, Maxwell, Mercer, Milligan, Nelson, Pearce, John Reed, Root, Russell, Semmes, Slade, Southard, Stanbery, Stewart, Storrs, Tracy, Vance, Vinton, Watmough, Williams, Young.--48.

NAYS--Messrs. Adair, Alexander, Robert Allen, Heman Allen, Allison, Anderson, Angel, John S. Barbour, Barnwell, Barringer, James Bates, Beardsley, Bell, Bethune, James Blair, John Blair, Boon, Bouldin, Briggs, John Brodhead, Bullard, Cambreleng, Carr, Carson, Chandler, Chinn, Claiborne, Clay, Clayton, Coke, Collier, Condit, Connor, Coulter, Craig, Davenport, Dayan, Dewart, Drayton, Draper, Duncan, Joshua Evans, Felder, Findlay, Fitzgerald, Ford, Foster, Gaither, Gilmore, Gordon, Thomas H. Hall, Hawes, Hawkins, Hiester, Hoffman, Hogan, Holland, Horn, Howard, Hubbard, Isacks, Jarvis, Jenifer, Jewett, Cave Johnson, Lamar, Lansing, Leavitt, Lecompte, Lent, Lyon, Mann, Mardis, Mason, William McCoy, Robert McCoy, McIntire, McKay, Muhlenberg, Newnan, Newton, Nuckolls, Patton, Pendleton, Pierson, Pitcher, Polk, Roane, Sewall, William B. Shepard, Augustine H. Shepperd, Smith, Soule, Speight, Standifer, Taylor, Francis Thomas, Philemon Thomas, John Thomson, Verplanck, Ward, Wardwell, Wayne, Weeks, Wilkin, Wheeler, Frederick Whittlesey, Campbell P. White, Wilde, Worthington.--111.

So the House refused to consider the resolution.

CHANGING LOCATION OF LAND OFFICES.

The bill to enable the President to change the location of land offices having been read a third time, and the question being on its passage,

Mr. VANCE opposed the bill. Had it provided for the consolidation of such land districts as did not pay for the expense of maintaining separate land offices, he should not have objected to it: but he disliked both its provisions; for it often happened that the location of a land office at a spot without the district to which it belonged, was often a great convenience to the people of such district; as an instance of which he referred to the location of a land office at Cincinnati, where the people were in the habit of going on in their ordinary business. He knew of but one office that had been removed by order of the Executive, and this had been done at the suggestion of an individual who sought to wreak his vengeance on a person who had offended him, and it had occasioned great uneasiness and discontent. The other feature of the bill, to which Mr. V. was opposed, was the placing of absolute discretionary power in the President to change the location of land offices at pleasure. He would place such a power in the hand of no man.

Mr. IRVIN advocated the bill. As to the consolidation of land districts, it was a subject that had long been before the Committee on the Public Lands; and his colleague would probably have the opportunity even of voting on a bill for that object. The instance of the land office at Cincinnati was not in point, because that office was situated within, and not without, the district to which it belonged. Many officers had been removed in consequence of the improvement of the country; having, at first, been situated without the limits of the districts.

Mr. VANCE here explained; observing that provision had been made from the first to have such offices removed as soon as necessary.

Mr. IRVIN differed as to this fact. With reference to the discretion of the President, inasmuch as the power must be placed in the hand of some individual, to whom could it better be confided than to the Chief Magistrate, who had been again placed, by so vast a majority of freemen, at the head of the Government? The President was too high-minded to be under temptation to abuse the discretion confided to him.

Mr. BURD admitted the President to be as fit as any other individual; but he trusted that the will of no President would give law to this country.

The debate was here cut short by **Mr. VERPLANCK'S** calling up the Orders of the Day.

The House thereupon went into Committee of the Whole on the state of the Union, Mr. Wayne in the chair, and resumed the consideration of

THE TARIFF BILL.

The following amendment was offered by Mr. BURGES to the bill:

"*And be it further enacted,* That whenever any of the goods, wares, and merchandise, which, by the provisions of this act, or of any other law of the United States, are charged with impost or duty to any amount, payable at any time after entry thereof, shall, after the first day of February, A. D. 1833, be imported into any district of the United States, comprehended within the territorial limits of any State, which State, or the people thereof, has already, or hereafter shall, by any ordinance, statute, or law, made, or which shall be made, by such people or State, whereby the payment of any bond, note, or written security, for the payment of such impost or duties, at any future time may be or is, such ordinance, statute, or law, intended to be in any way prevented, hindered, obstructed, embarrassed, or delayed, it shall be the duty of the collector, and all other officers of the United States employed in any manner in the collection of the revenue within said district, to cause the amount of all such impost or duty on all such goods, wares, or merchandise, to be assessed and paid thereon in money, deducting therefrom the interest up to the time when the same would otherwise be payable by the provisions of this act, or any other law of the United States, before any entry of such goods, wares, or merchandise, or the ship or vessel in which they were or shall have been imported, shall be made, or any permit to land such goods, wares, and merchandise, shall be given. And on failure of payment of all such impost or duty assessed as aforesaid, excepting the interest deducted as aforesaid, said goods, wares, and merchandise, and the ship or vessel wherein the same shall have been imported, together with the master thereof, and the people navigating the same, shall forthwith be liable to all the disabilities, forfeitures, and penalties, to which, by the laws of the United States, goods, wares, and merchandise, ships or vessels, and masters and mariners navigating the same, are liable in cases where no report is made, or manifest exhibited, to the proper officers of the United States, or where goods, wares, and merchandise are landed, or attempted to be landed, without securing the imposts or duties, or obtaining a permit for the landing thereof. And it shall be the duty of the collector, and all officers of the United States, to proceed therein accordingly.

Mr. KENNON, of Ohio, then rose and said, that in rising he made no promise that he should occupy the attention of this committee but a few moments. Such promises were seldom performed, although often made in this House. I may extend my remarks, said he, to a considerable length, or I may contract them within very narrow limits. The subject under consideration is one of grave importance, and pregnant with consequences of no ordinary character. Should this bill not become a law, it is said that the Union of these happy States is dissolved. Should it become a law, it is alleged that bankruptcy and ruin are the consequences to the manufacturers; that large establishments reared up by the fostering care of this Government will be destroyed; that the same power which legislated them into existence, by protecting their products against foreign competition, will, by a counter act of legislation, and that, too, in violation of plighted faith, have prostrated them in the dust. If, therefore, I should examine at considerable length a subject of so much importance, this committee, I hope, will excuse me, especially as I am not in the habit of trespassing upon its time.

The object of this bill is to reduce the revenue to an amount equal to the necessary expenditures of the Government. That the revenue should be so reduced, I had supposed was a proposition to which none could object. I had supposed that there was not one member of this House who doubted the propriety of such a reduction. I still think that opinion is entertained by a large majority, of both of tariff and anti-tariff men of this body. I, therefore, move the consideration of that point. The first matter of controversy which arises, is the amount of revenue necessary for the expenditures of the Federal Government.

In the remarks which I intend to submit to this committee, I shall assume the fact that fifteen millions of dollars is a sufficient amount for that purpose. I will take the opinions of the Secretary of the Treasury, and of the committee which reported this bill, as correct—so far as they relate to the necessary amount of revenue—although in their estimate, it seems to me they have not taken into consideration certain claims against this Government, which it is as strongly bound to pay as the constitution itself can bind it. I allude to the claims of our own citizens for French spoliations committed prior to 1800, amounting to from five to nine millions of dollars. The only two questions which can be seriously made are, when should the revenue be reduced to the wants of the Government, and how should it be so reduced? To these two questions, I propose to call the attention of the committee. When should the revenue be reduced to the wants of the Government? Not when should the revenue commence to be fifteen millions of dollars; but when should we legislate upon the subject of reduction?

At the last session of Congress we passed a bill, with a full knowledge of the near approach of the extinction of the public debt, and of the consequent necessity of the reduction of the revenues of this country.

Much of the time of this House, and of the money of this country, was spent in considering and maturing that bill. We prolonged the session to a very unusual length; and, finally, agreed upon the bill by a very large majority. The ultra tariff and anti-tariff men voting against it. Not one provision of that bill has yet gone into operation. The time at which it is to take effect has not yet arrived. The committee which reported it to the House, had given its provisions long and laborious investigation.

Can any good reason be given why we should now retrace our steps, repeal the act of last session before it takes effect, and say to our constituents, and to the world, that all our late legislation upon the tariff was improper, was wrong, and the time occupied therein uselessly thrown away? What new light has been shed upon our darkened understandings to authorize any such course?

It is true that South Carolina has attempted to nullify the revenue laws, and threatens to dissolve the Union in effect, unless this Government wholly surrender the principle of discriminating and protecting duties. I know it is said that this is a delicate subject, and ought not to be touched. Sir, I entertain no such opinion. The proceedings of South Carolina, in their conventions and public meetings, are public property, and I shall speak of them fully and unreservedly, but respectfully. Do those proceedings of South Carolina form a reason why we should now pass the bill under consideration? It seems to me not. It seems to me that we should act upon this subject precisely as we would have done if no such movements had taken place in the South; although I confess it operates a little against human nature to be forced to do right. If it be proper that this bill should pass now, we should pass it regardless of that consideration. If it be improper, the Carolina proceedings would not make it right. Suppose, however, we were to pass this bill at this session, would it satisfy South Carolina? No, sir. This is not the bill which she requires at our hands. This bill contains the protective principle. The committee avow it, and the bill shows it. Some of the Pennsylvania iron, for instance, is to have a permanent protection of 95 per cent. The Virginia tobacco has a protection of 33 per cent.—a protection which amounts to a prohibition of the importation of that article into this country. These are not revenue duties. They are protecting duties. Will South Carolina be satisfied with such a bill as that? So far as she is concerned, will you gain any thing by passing this bill now? We will hear what she says upon that subject. I read from the address of the South Carolina convention a few extracts: "Having now presented for the consideration of the Federal Government, and our confederate States, the fixed and final determination of this State in relation to the protecting system, it remains for us to submit a plan of taxation, in which we would be willing to acquiese in a spirit of liberal concession, provided we are met in due time, and in a becoming spirit by the States interested in the protection of manufactures."

"We believe, upon every just and equitable principle of taxation, the whole list of protected articles should be imported, free of all duties, and that the revenue from imports should be raised exclusively from the unprotected articles, or whenever a duty is imposed on the protected articles imported, an excise duty of the same rate should be imposed on the article manufactured "in the United States." Again, it is said: "But we are willing to make a large offering to preserve the Union, and with a distinct declaration that it is a concession on our part. We will consent that the same rate of duty may be imposed upon the protected article that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demand of the Government for constitutional purposes; and provided, also, that a duty substantially equal be imposed upon all foreign imports." In another part of the address it is said: "Under these circumstances we cannot permit ourselves to believe for a moment, that in a crisis marked by such portentous and fearful omens, those States can hesitate in according to this argument, when they perceive that it will be the means, and perhaps the only means, of restoring the broken harmony of this great confederacy. They most assuredly have the strongest inducements, aside from all considerations of justice, to adjust this controversy without pushing it to extremities. This can be accomplished only by the proposed modification of the tariff, or by a call "of a general convention of all the States."

And again: "If we submit to this system of unconstitutional oppression, we shall voluntarily sink into slavery, and transmit that ignominious inheritance to our children. We will not, we cannot, we dare not, submit to this degradation; and our resolve is fixed, and unalterable, that a protecting tariff shall no longer be enforced within the limits of South Carolina. We stand upon the principle of everlasting justice, and no human power shall drive us from our position. We have not the slighest apprehension that the General Government will attempt to force this system upon us by military power. We have warned our brethren of the consequences of such an attempt; but if, notwithstanding, such a course of madness should be pursued, we here solemnly declare that this system shall never prevail in South Carolina until none but slaves are left to submit to it. We would infinitely prefer that the territory of the State should be the cemetery of freemen than the habitations of slaves. Actuated by these principles, and animated by these sentiments, we will cling to the pillars of the temple of our liberties, and if it must fall, we will perish amidst the ruins."

This, sir, is the language of the people of South Carolina. They say to you, in language which no man can misunderstand, that no protecting tariff, no law containing the protecting principle, shall ever be enforced within the limits of South Carolina; that they would infinitely prefer that her territory should become the cemetery of her freemen, and that before they will submit to such a system of oppression, they will perish amidst the ruins of their country. I hope the day may never come that the citizens of South Carolina shall so perish. God forbid that it should ever be necessary for any man to imbue his hands in the blood of a son of South Carolina—

or that a son of South Carolina should stain his with the blood of a brother of this Union. We are children of the same fathers, who fought hand in hand together in the revolution. Who bled not for themselves, but for us; who perished, that they might transmit to us, their children, that glorious inheritance of liberty which we now enjoy. It is the price of their blood, and shall we, so soon after they have been consigned to the silent tomb, scatter that inheritance to the four winds of heaven, and become engaged in that worst of all evils, a civil war? When that day comes, farewell to the liberties of this country. But do we escape these evils by passing this bill? Do we even allay the excitement of South Carolina? She has required too much at our hands. She not only demands a total abandonment of protection, but that it must be done in due time, and in a becoming spirit. Yes, sir; she asks that it shall be done in a becoming spirit! There is one other alternative which she presents to preserve the Union; and that is a convention of all the States, to determine whether the constitution has conferred the power on Congress to pass laws protecting domestic manufactures. She will abide by the decision of that convention; but how does she propose the decision shall be made? Why, sir, three-fourths of the States must decide that the power is delegated, or the decision is, that it is not delegated; and this she claims to be in accordance with the spirit of the constitution of the United States. In other words, if seven States in such convention should say that any power was not conferred upon Congress, then the decision would be, that no such power was conferred. For instance, suppose a convention of the States called for the purpose of determining whether the General Government possessed the power of selling the public lands within the States, or whether those lands did not become the property of the new States so soon as those new States were admitted into the Union. This is a question which has been frequently and solemnly made by some States in the Union. Now, sir, there are public lands in the States of Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana. These seven States have on the floor of this House twenty-six Representatives; all the other States have one hundred and seventy-eight; and yet, in such a convention, the members from these seven States would possess the power of deciding that those lands belonged to them, and not to the General Government, and thenceforth the land would belong to them. This would seem at first blush to be an inequitable distribution of power; and it would be so. But this is not the greatest injustice which would flow from the adoption of such a principle. It would be making those seven States judges in their own case, and authorizing them, (if South Carolina doctrines be true,) in accordance with the spirit of the constitution, to take the interest of the other seventeen States in these lands, and appropriate them to the use of the seven. It would, to all intents and purposes, be transferring the power from the majority, and vesting it in a very small minority. The impropriety of the doctrine does not end here. The members from the seven States would not only be influenced in their decision by all the motives which interest and avarice could create in the breast of man, but they would not even be acting under the solemnity of an oath to decide according to their own opinion of the constitution, or according to justice and equity; and yet, strange as it may appear, this is the doctrine of the leading politicians of South Carolina, openly published to the world. They claim that the same constitution which authorizes a majority of this House, so far as it is concerned, to make a law, authorizes, in such a convention, the members of the seven States to unmake it. They claim more than that. They maintain, sir, that a law passed by every member of this House and of the Senate, and sanctioned by the President, may be lawfully nullified by a single State of this Union. The doctrine of nullification leads, then, to that result. With the doctrine of nullification, however, I intend, on this occasion, to have nothing to do.

It is of the convention that I have been speaking, one of the alternatives which South Carolina has presented to this country in order to save it from disunion. I have given the single case of the public lands within the bounds of a State, in order to show the absurdity (if I may be permitted to use that word) of the doctrine of conventions as held by South Carolina. The same evils which I have pointed out in the case of the lands, might arise if any other proposition was to be submitted to these conventions. The advocates of this new theory take their opinions from that part of the constitution which requires amendments to the constitution to be ratified by conventions in three-fourths of the States, before those amendments become a part of the constitution; from which they strangely draw the inference that, because the constitution requires three-fourths of the States, in convention, to make an amendment, that, therefore, three-fourths of the States must concur in all constructions of the constitution, otherwise the construction is an improper one. They seem to forget that the framers of that instrument, in that very clause of the constitution, were attempting to guard against any alteration of it without the concurrence of three-fourths of the States. That such was the object of the framers there can be no doubt; and yet, by this South Carolina doctrine, you, in violation of that clear intention, may, by the consent of seven States, change and alter any clause of the constitution. You may indirectly do that which no man would contend you could do directly. These are the two alternatives which are presented by South Carolina. As to the latter, Congress had no power to order any such convention; and if they had, that power would not probably be exercised, when it was understood that seven States might, by construction, alter the constitution itself. It therefore seems to me that those proceedings of South Carolina form no reason why we should act upon the subject of reducing the revenue at this session; much less that we should pass the bill, seeing that it could not possibly be acceptable to South Carolina. There are other reasons why we ought not to act upon the subject now. We are taking a new and important step in legislation; we are taking away from the manufacturer more than half his protection; we are about to settle, and permanently settle, the amount of revenue necessary for this Government. This was not expected before we left our constituents; neither they nor we had thought of such a movement being made; I, for one, have had no opportunity of consulting the feelings of those in whose place I stand upon this floor, and for whom I act. And all this is to be done in a short session of Congress, without any reason being assigned for it by those who urge it upon us. The Secretary of the Treasury has not said that the revenue ought to be reduced. Now, all he has said upon that subject is, that, after this year, it may be reduced.

There is one other reason why we ought not now to act. Some States have upon this floor more Representatives than by their population they are entitled to; others have not near so many as they will have in the next Congress. Hereafter Ohio will have nineteen instead of fourteen members; and surely, if this be a question of so much importance, each State ought to be fully represented when it shall be decided.

For these reasons, my mind has been brought to the conclusion that we ought to leave the decision of this matter to our successors, who will carry with them to this House the feelings and wishes of their constituents, after having had full time to consult and counsel with them.

Suppose, however, this to be the proper time; does this bill propose the proper mode of reducing the revenue?

Is this the bill which we should pass? I think not. The revenues of this country are collected from two sources—the public lands and duties upon articles imported into this country.

The articles upon which these duties are assessed are such as are manufactured in the country, and such as are not. Of such as are manufactured in this country, some have been protected against foreign competition by the legislation of this country. Others have not. Those manufactured here, and not protected, as well as those imported into this country, and not manufactured here, are called unprotected articles, and upon which a duty, for the purpose of revenue only, has been assessed.

Whilst this country was largely indebted, the policy of the Government was to keep up the duties on the unprotected articles, and raise as much revenue as could be done consistently with the abilities of the country. Upon the protected articles there had been a higher duty than upon the unprotected. A duty had been placed upon articles imported into the United States, and which came in competition with the like articles manufactured here, sufficiently high (in many instances) to enable the manufacturer here to sell his article without a duty, full as low as the importer of the same article from a foreign country could sell his, after having paid a duty on bringing it into this country. That public debt is now nearly discharged, and the disbursements of the United States lessened about ten millions every year; and, consequently, the duties upon these protected and unprotected articles must be so arranged as to reduce the annual revenues about ten millions of dollars; or, in other words, to reduce the revenue to fifteen millions.

Now, sir, the question is, does the bill propose the proper method of doing it. If the whole revenue were to be collected from a duty on articles imported into, and not manufactured here at all, there would be much less difficulty in arriving at the proper amount. The amount of importation, or consumption of those articles, could be then ascertained, and a duty assessed at such a rate as to produce the amount, or very near the amount of revenue desired. But when you undertake to reduce the duty on the protected article, or rather on the imported article coming in competition with the protected article, so as to produce a specific amount of money, the difficulty is greatly increased. There is a point in the ascending scale, to which, if you raise the duty on those articles, you will receive no revenue at all. For instance, take tobacco: There has been, and now is, by this bill, a duty of thirty-three per cent. on the importation of that article. The foreign tobacco is taxed out of the market. The duty amounts to a prohibition of the importation, and secures the domestic market to the producer in this country. Take also the manufactures of wool, and increase the duty to a certain point, and you will have the same result—a result, however, which would be more sensibly felt by the bill passed last year. It was contemplated to raise a revenue on the finer woollens of about three millions of dollars. If you now raise the duty on imported woollen articles, so as to produce the effect which you have on tobacco—a prohibition of the imported article, you, instead of increasing, will cut off the whole revenue arising from this source.

There is also a point in the descending scale to which, if you reduce the duty on the protected article, you will greatly increase the revenue. For example, I will again take woollens: It is estimated that about forty millions of dollars worth of woollen fabrics are manufactured within the United States, and of the fine woollens about six millions worth imported; making the whole consumption of woollens about forty-six millions of dollars in value. A large portion of which, however, is manufactured by families for their own use. The duty on the fine quality of woollens is now fifty per cent., and of which there is a large quantity manufactured here. You propose by this bill to reduce the duty from fifty to twenty per cent. on that article, and thereby reduce the revenue to a little over one million. If fifty per cent. bear at all a necessary protection for these woollens, (and it would seem from the amount imported and sold, with a duty of fifty per cent., there was some reason to believe that it was not an unnecessary protection,) it does not, at all events, amount to a prohibition of the article, as the duty on tobacco does. But to come to the point which I proposed: Suppose that, by reducing the duty on woollens from fifty to twenty per cent., you give the foreign article an advantage over the domestic, in the markets of this country, and thereby lessen the manufacture in this country of that article twenty millions of dollars; you, of course, increase and make the importation of these woollens about twenty-six millions. Upon this supposition, instead of reducing the revenue to one and a quarter millions, you will increase it to five millions of dollars; and, although such may not be the result of this bill, if passed, yet I think it would be found to be not very far out of the way. It will, therefore, be perceived that it is no easy task to raise a definite amount of revenue by duties upon articles imported into this country, and coming in competition with the like articles manufactured here.

To reduce the revenue to a certain and definite amount, whether you raise it upon the protected or the unprotected articles, or both, is not the business of one, of two, nor of three sessions of Congress; you must arrive at that point by repeated acts of legislation. You cannot settle that amount by any one act of legislation; time will prove the truth of this assertion. No man can tell within several millions of dollars how much revenue would be raised either by this bill or the one passed last year. Let us, therefore, try the one we have passed before we pass another. By the one already passed, we reduced the duties on certain woollen cloths, which are used almost entirely in the South, to a point far below even a revenue duty; we reduced it to five per cent. This was a partial act of legislation, for the benefit and interest of the South. Of that article there was, during the last year, imported into this country more than one million of dollars worth.

This bill professes to give protection to the manufacturing of woollens, cottons, iron, hemp, sugar, tobacco, salt, and other articles. By the former Legislature of this country, it was supposed that an adequate, and nothing more than an adequate protection, was extended to these productions of this country. If that be true, there is an insufficient and unequal protection given to them by this bill. Upon certain descriptions of iron manufactured in Pennsylvania, you do not reduce the duty more than one-fourth; no, sir, not one-fourth. You give it a permanent protection of ninety-five per cent., while you reduce the duty on woollens something like three-fifths. It is so with many other articles. For the sugar of Louisiana you retain a protection of forty-six per cent.; for the hemp of Kentucky, twenty-eight; but to woollens you give from five to twenty per cent. only. Why reduce the duty upon woollens in a greater proportion than upon those other articles?

At the close of the late war every one felt the necessity of encouraging the manufacture of this article above almost every thing else. It was then, sir, that experience had taught us a lesson which, I had supposed, would not soon be forgotten. We had to procure from the very enemy with whom we were contending, the pantaloons and coats worn by our soldiers, and the blankets in which they slept. Three regiments of men were raised in Ohio at one time. They rendezvoused at Cincinnati; blankets could not be purchased in the country to protect them from the cold. They were neither manufactured nor imported. Whilst in this situation, an address was made to the ladies of that city, by the Governor of Ohio, entreating them to strip their beds and furnish the soldiers with blankets; and, to their credit, and to the honor of that city, they done so. Yes, sir, they threw the blankets from their windows to shivering soldiers in the street. All those who were eye-witnesses of the suffering of the soldiers for want of clothing and blankets, said with one voice, protect these articles, encourage the investiture of capital in their manufacture, that we may have them of our own, without being dependant upon a foreign power for them.

In 1824, the now President of the United States, believing blankets to be essential in time of war, voted in the Senate to increase the duty on blankets one-third higher than it ever has been by any law. And now it is proposed to reduce the duty on blankets three-fifths. I admit that it is a very difficult matter to say what is and what is not a sufficient protection; but before I can consent to vote for such a reduction, I must be satisfied, by evidence, that it can be made without a total destruction of the woollen interest. I ask that evidence of those who claim that it ought to be reduced. I ask for the reason why it ought to be done. Can any one give it? Can the committee who reported this bill give it? If they can, I desire to hear them. There is about one hundred and seventy millions of capital involved in the growth and manufacture of wool in the United States, and the persons employed in its manufacture is estimated at about one hundred and sixty thousand. The provisions of the manufacturers amount to more than three and a half millions of dollars per annum. These provisions are furnished by the farmer; much of which is produced in Ohio. They create a market for our surplus produce, whilst the ports of England are closed against us. It is to the home market, created by these very manufactures, that we look for the sale of our wheat, flour, pork, and beef. Destroy the manufactures of this country, and you destroy that market. Sir, Ohio has been engaged in the construction of expensive works of internal improvement, and is now involved in a debt of about four millions of dollars, for a canal which she has cut entirely through the State. Destroy the manufacturing establishments of this country, and you not only cut off the market for our staple commodities, and take away our means of paying that debt, but you do more, you take away the tolls arising from the use of it, the intended means of paying the interest of the debt. A large portion of those tolls arise from the transportation of the flour, wheat, &c., of which I have been speaking; and whether they are taken North or South, the larger portion of them finally find a market within the United States, and in those manufacturing establishments.

This is not the only effect which the destruction of these establishments, and of the woollen interest, would have in Ohio. By your legislation you have invited, yes, sir, you have bribed the people of my country to invest large capitals in the raising of wool; you have promised to them the market of this country, and, in fulfilment of that promise, you have compelled the man who brought any wool from a foreign country to pay seventy per cent. on it. Now, sir, by another act of legislation, you propose to destroy this capital also. But if the wool of this country being destroyed would appease the South, I would do it; I would sacrifice large interests to do it. But, sir, South Carolina has said what she will and what she will not accept.

I have shown that her request cannot now be complied with, and that this bill will not answer the purpose. She will nullify your laws, and apply her own remedy to the legislation of this country. One word upon this doctrine of nullification. So far as the tariff is concerned, it can be put in operation only in those States where there are ports of entry. There the importer pays the duty, and the effective operation of nullification is to prevent the payment, by the importer, of the duty. In many of the Western States we have no ports of entry, and no duties are paid in the first instance. We pay, in the purchase of the article, to the merchant. We might nullify as long as we pleased, and produce no effect in preventing the collection of the revenue. In South Carolina it is otherwise. So that you see nullification can only be put in execution in the Atlantic States. It is a remedy which is only in the power of States having ports of entry, and therefore an unequal remedy.

To return to the bill, I will say, in conclusion, that I, for one, cannot now vote for this bill. I am well satisfied that any thing which I might say on this subject could not change a single vote; and, although I had prepared to give my opinion on the constitutional power of Congress to assess discriminating duties, yet I will not occupy the time of the House on that point, but will yield the floor to those who may be desirous of addressing the committee.

Mr. CHOATE, of Massachusetts next addressed the committee. He said that he should vote for the amendment proposed by the gentleman from Connecticut, [Mr. Huntington,] which struck out the duty on tea and coffee, and then, whether that amendment were adopted or not, he should vote against the bill. It has seemed to me, he said, that it is not practicable at this session, if it were desirable, to frame an entire new tariff fit to receive the sanction of Congress. I am not quite sure that it is desirable to do this, if it were practicable.

It would be mere affectation in me, sir, to pretend not to see that this bill is introduced because South Carolina has, prospectively, nullified the law which we made *in pari materia*, five months ago. The chairman of the Committee of Ways and Means does not, to be sure, say this in his speech, or in his report; but there is not a man, woman, or child, in the United States, who does not know it, and who would not laugh in your face to hear the contrary asserted. Why, sir, upon the apparent circumstances, who can doubt about it. The tariff of the last session, whatever else might be said against or for it, was no very hasty piece of legislation. A committee of this House, constituted for that very purpose, were three months in framing that bill which was its groundwork. In one form and in one stage or another, the bill was pending before us two or three months longer. It was under actual discussion more, I believe, than one. The public attention had been recently very much drawn to the subject. Conventions had been holden; memorials had been composed; and a vast body of fact and argument had been furnished to us by the sections and interests most opposed and most sensitive upon this policy. After all this, the bill passed with a surprising unanimity through both branches of Congress, and I cannot say that it has not been pretty well received by the people. Certainly, the administration presses have unceasingly declared that it had the approval of all but the ultras on both sides; the manufacturers and the nullifiers.

That tariff has not yet gone into operation. How it may work, therefore, how much revenue it may yield, what effect it may produce upon prices, commerce, manufactures, or the agricultures of the South, how far it may approve itself upon a full experiment to the judgment of our constituents, the American people, upon all these matters, you know absolutely nothing which you did not know when you set your hands to it. Without the examination of a single witness, without the reading or presentation of a single memorial, without a particle of new information, whether of fact or science, on the merits of this business as a question of finance or political economy, the Committee of Ways and Means have struck out at a heat in three weeks, a new tariff, departing fundamentally from the provisions of the last, and overturning, not formally, I concede to the gentleman from Ohio, [Mr. Kennon,] who had just resumed his seat, but substantially overturning the American protective system.

Sir, I repeat it, it is impossible for me to doubt the motive or object of this proceeding, unexampled in our legislation. Do not deceive yourselves by supposing that the country and the world also will not see clear through it. Let us not shun a fair responsibility on this great occasion. Why not avow it at once, and put yourselves thereupon on the country. South Carolina has nullified your tariffs; and therefore you repeal them. You suppress nullification, and take a statesmanslike pledge and guarantee against any future recurrence by any other State to that happy expedient, by just promptly granting the first time you have a chance to act on it, all that it demands.

But, sir, I shall consume no time in complaining of the committee for having cast the consideration of this subject again on this Congress. If we can make a better tariff than the last, or rather if we can make a really permanent and good one, without the neglect of weightier matters, I do not think the attitude of South Carolina alone ought to prevent our doing so. While I hold undoubtedly that our main and first business at this session is, to provide for effectually enforcing the law, if in that behalf there is any thing for the Legislature to do, I could wish to improve the law also, if it requires to be, and can be improved.

But this bill is no improvement of the law. Come what may, I shall not assent to it. Some of the principles it proceeds on are well enough; some of the ends it seeks not undesirable. But the honorable chairman will pardon me if I say that, as a whole, it is a great deal too rash, partial, and revolutionary. He will pardon me if I say I see on it some marks of the unwise precipitation of fear, and some of the still more offensive marks of political calculation and combination. Instead, however, sir, of attempting to dissect it minutely, and to display its objectionable details, I have risen only to suggest some more general grounds on which I oppose it, and on which perhaps, the expediency of passing even a far better bill than this in the circumstances, may well be questioned.

There is one view of this great subject of the tariff, in its relation to the times we are approaching, in which the importance of very deliberate action on it, upon the part of the National Legislature, is quite striking. I cannot hope to impress it on others as it has presented itself to my own mind.

We have reached the time, or rather we are within a year or two of the time, when it will become necessary to meet and settle a question in some sense new; a question involving the fate of our existing manufacturing establishments, and perhaps the fate of American manufacturing enterprise. The question is this: Can the tariff be so arranged, that it shall produce no more revenue than the wants of a Government out of debt and wisely administered, indispensably demand; shall incidentally give effectual protection to capital now invested in manufactures, and shall, at the same time, work no sectional injustice to the planting States. Such a tariff alone can be maintained in this country. Such a tariff, by the blessing of providence, can be maintained. Such an one can be framed; but time, and an opportunity of calm, thorough, unterrified deliberation, are indispensable to a work so great, and healing, and difficult.

The first requisite of a tariff, which shall meet the exigency of the times, is, that it brings down the revenue "to the wants of the Government." A very few words only upon this;

I consider it to be the settled opinion of the country, that the national revenue ought to be restricted to, and measured by, the necessary annual expenditure of the Government, out of debt, and economically administered. The public demand is, I think, that the tariff be so constructed as to yield that amount of revenue, and no more; and if the tariff of the last session shall be found, on a full experiment, to yield more than that, sooner or later it must, of course, be altered. In other words, if fifteen millions a year will administer the Government, fifteen millions are all which we can permanently collect from imposts.

The constitutional power of Congress, however, to levy duties beyond the requirements of revenue, and without reference to revenue, for the protection of manufactures, under the clause which authorizes the regulation of commerce, I hold to be incontestible. We may so exert this power as to bring, year by year, a greater or smaller surplus into the treasury. The argument to prove that we posses this power, is irrelevant to my purpose, and, besides, has been exhausted. Mr. Madison's letter, the letter of the chairman of the Committee of Ways and Means to another honorable member of this House, [Mr. Drayton,] and the address of the convention of the friends of domestic industry, published in the latter part of 1831, leave nothing to be said on the affirmative side of this constitutional question.

But the public temper is against such an exertion of this power, as shall produce a surplus in the federal treasury.

The distribution of the surplus, it seems to be apprehended, would be a delicate and invidious, if not dangerous business. A vote of the House this morning, seems to indicate that our minds are not yet fully made up on the practicability, or expediency, or right of effecting such a distribution. On the other hand, the accumulation of money annually in the hands of the Government, is still less to be thought of. Upon this point the opinion and practice of all modern States are decided and uniform. No Government lays up gold or silver, or any other form of wealth, in its coffers; and its only recourse, on a deficiency of taxes, is to loans. The practice of ancient States, in this particular, was remarkably otherwise. You recollect, sir, that Hume, alarmed I believe, by the enormous and growing debt of England, argues ingeniously to show that the old politics were the soundest. He instances among others the national treasury of Rome. There, in the same year, with the expulsion of the kings, in the very first year of the republic, the consular Government began the accommodation of gold and silver, the property of the State. For more than four hundred years, the fund went on growing, year after year, by little and little, like the strength and glory of the republic itself From a thousand sources of supply, tributes of conquered kings, gifts of nations from fear and policy, and extortion, spoils of a long succession of victories, fines of condemned criminals, the earnings and savings of republican frugality; through a thousand different rivulets money flowed into a treasury, capacious to receive, but giving nothing back, down to the time of the battle of Pharsalia. In all the varieties of the national fortunes, it was never broken in upon but once, after an exhausting war of more than twenty years, until Cæsar entered the city at the head of his legions, and, in one day despoiled it of its treasures and its liberty. There is nothing in such an instance, certainly, to tempt us to imitate it; and I hold with the received opinion, that a treasury emptied annually, a nation out of debt, lightly taxed, a prosperous, and contented people, are the best proofs and fruits of a skilful and republican scheme of finance.

The bill under consideration professes to be an attempt to bring down the revenue to the wants of the Government; and, so far, I have nothing to object to it. How far it may effect its object, or how far it may go beyond its object, is another question. It assumes further, that fifteen millions of dollars will satisfy the annual wants of the Government. Upon this, too, I have nothing to say. But it further proceeds upon the supposition, that, of this sum, two millions and a half will be supplied by the sales of the public lands, and the other twelve millions and a half by the imposts. I submit to the committee, sir, that the imposts ought to be made to contribute from the first, the whole fifteen millions, or whatever be the sum which you decide to raise.

I trust that any scheme of revenue now to be adopted is intended for permanence. The interests, commercial, and manufacturing, affected by every fluctuation of duties on imports, are so vast and so sensitive, that it is as criminal as it is foolish, needlessly to tamper with the tariff. Now, the ground I go upon is, that the public lands will not much longer continue to contribute any thing to the federal treasury; that, if you now arrange the tariff upon a calculation of two and a half millions from this source, it will very soon be necessary to re-construct it; and that it is wiser and kinder to set your rates of duties at first where they must ultimately stand, than to reduce them below that point, to the certain injury of those interests which such legislation opperates against, raising them again when the mischief is incurably done.

I put it to any gentleman of the committee to say, if he believes that the public lands will much longer yield any thing considerable to the national treasury? Sir, as a source of federal revenue, for federal expenditure, they are given up by common consent. There are two propositions in substance in relation to them before the country. One of these provides to graduate their prices, to sell them for a little time longer, at nominal rates, to settlers or speculators, and then, at as early a day as is possible, to cede the vast residue to the States respectively within which it lies; thus adopting the Executive recommendation in its whole extent, and "abandoning the idea of a revenue from the lands." The other proposes still to derive a revenue from them; but to divert it from the national treasury, and to distribute it among the States. Bills embodying these propositions are pending before both branches of Congress, and one or the other will probably become a law. Be it which it may, this source of revenue is, for ordinary times, dried up. To the imposts then, sir, to the imposts, for direct taxation, is out of the question—you must come at last, and soon, and exclusively; and when you consider how slight a touch here will vibrate throughout all your circles of industry; when you consider the effects inevitable on every re-arrangement of the tariff; the enterprises it embarrasses, the speculations it stimulates, the hopes and fears it awakens, the shock with which it strikes upon the employments of one great division of the general labor—I entreat you, sir, in view of these things, throwing out all temporary, occasional, and uncertain sources of supply, place your new system of revenue fairly at first, where it must stand at last, upon imposts.

If these suggestions should be approved by the Committee of the Whole, a re-committal of the bill becomes necessary. The gentleman who reported it, says, indeed, that the failure of the revenue expected from the lands, will not derange its plan. Sir, I do not understand this. He tells us that fifteen millions per annum must be raised, and he tells us, too, that his bill will give but twelve and a half. If the lands do not supply the deficiency, he must obtain it by re-arranging the duties; and that is just the derangement of his plan which I desire to avoid.

But there is a deeper objection to the bill. Assuming, sir, that a tariff is to be constructed which shall supply from imposts the whole national revenue, and no more than you need for revenue, then the great question is this: Can the principle of an effectual protection of the existing manufacturing establishments be embodied incidentally in such a tariff, without injustice to the planting States? Sir, I believe that it can; and I am wholly against this bill because it makes no attempt to do it.

Look into the bill and say if these rates of duties are sufficient for the preservation of your leading manufactures? Why, this House has concluded the question. You have framed, this very assembly has once already framed, a tariff of protection. Yes, sir, the law of the last session, enacted after a series of investigations of unexampled minutes and toil, is the deliberate, recorded, promulgated judgment of the whole National Legislature, that the duties in that law are indispensable to the adequate protection of your investments in manufactures.

Now, is there a particle of new evidence, is there one single argument good or bad, old or new, is there so much as a suggestion from any quarter of this House, that, on point of necessity of that degree of protection which you decided to give last summer, your judgment was erroneous? So erroneous that you may now take off seventy-five per cent. of that protection without fear of the consequences? Sir, we know there is nothing. This bill is not put forward as a protecting tariff. The chairman of the Committee of Ways and Means, has not said on this floor, or in his report, and will not say that he believes this rate of protection is enough. He does not press the measure upon you on that ground. He argues that it will reduce the revenue to twelve and a half millions, and he claims no more for it. No verbal or written testimony has been taken by the committee, and none is furnished to the House. Some manuscripts of matter purporting to be answers of manufacturers to the interrogatories of agents of the Secretary of the Treasury, are said to be in the hands of the public printer; but nobody knows their contents, or attaches any sort of importance to them.

I have heard, in conversation, that the tariff of 1816 gave adequate protection, and that this bill is a return to that tariff. Did we not know last summer what protection the law of 1816 gave, and did we not pronounce it to be wholly inadequate? Besides, sir, this bill is not a return to the provisions of that law. If that were intended, why are the duties on iron carried so much higher? Do you say that the manufactures of iron are essential to the defence of the nation in time of war, and, therefore, deserve to be protected? Very well; but this plainly admits that the law of 1816 does not afford the desired protection. And again; if you take that tariff for your standard, why do you withdraw from the manufacturers of woollens and cottons, the protection of which they enjoyed under it? No sir, I shall not admit against your vote of five months ago, that these duties will sustain any great branch of the national manufactures. I am estopped by the record, and bow, as I ought, to your own authority. I must take it for this discussion, without pausing to collate this bill with former tariffs, item by item, and without attempting to calculate the exact rate per cent. of the proposed reduction, that the measure goes in its inevitable, and not very remote effect, to disturb and derange the whole manufacturing enterprise of the country, and particularly to break down the great body of the establishments of New England.

Is there any thing in the circumstances of the time which makes all this necessary? Sir, I cannot believe it. I believe you may construct a tariff which shall yield fifteen millions of revenue; effectually protect domestic manufacture; and do injustice to no portion of the country. This is the great problem now proposed to the wisdom of Congress. I beg leave, sir, to say a few words only for the purpose of showing that such a tariff may be made, but that perhaps new investigations, perhaps new modes of inquiry on the Government, are necessary to an object so important and so difficult.

I confess, sir, it is not until very recently I have supposed that a tariff, producing so much revenue only as the wants of Government year by year demand, would be resisted by the South, merely because it sought to unite with its main object of revenue, in its selection of articles, and its distribution of duties, the protection of domestic industry. We have heard much about the burden of unnecessary taxation; against wasteful and corrupt expenditures of public money; against plundering the people with one hand, and dealing out the spoils here and there to this portion of them and that, with the other. These topics are familiar enough in our discussions here and elsewhere; but that which has been somewhat technically called incidental protection, I thought had been spared this general denunciation. I had supposed the sentiments ascribed the other day by the gentleman from Connecticut [Mr. Ingersoll] to a distinguished Virginian, [Mr. Barbour,] expressed the prevailing Southern opinion on this subject. When the tariff was made *bona fide* for revenue, where it was so framed as to produce no more than the necessary revenue for an economical administration of a Government out of debt; where, in its "gross and scope," as a whole, acting as one tax on one people, it drew from them only the proper amount of tax, I had supposed, sir, that such a tariff would not be objected to, merely because in its details it favorably regarded the interests of American manufactures. One thing is certain: the constitutional competence of Congress to make such a tariff has hardly been questioned, I believe, by those who have questioned every thing else. In the address of the convention of the friends of free trade, put forth in the latter part of the year 1831, I find these passages. They occur in the midst of a regular argument against the substantive constitutional power of Congress to make a protecting tariff. "They admit the power of Congress to lay and collect such duties as they deem necessary for the purpose of revenue; and, within those limits, so to arrange these duties as incidentally, and to that extent, to give protection to the manufacturer.

"They deny the right to convert what they denominate the incidental into the principal power, and, transcending the limits of revenue, to impose an additional duty, substantially and exclusively for the purpose of affording that protection."

The writer of an article in the Southern Review, published in August, 1830, a writer who, with zeal and talent maintains the doctrines of nullification, and the want of constitutional power to make a tariff of protection, says: "South Carolina has never contended that, in pursuing *bona fide* the legitimate object of revenue, a bill for this purpose may not be arranged in such a manner as incidentally to benefit the domestic industry of the country."

Sir, I agree that there is some ambiguity in this language; but it seems to me to admit, in the broadest terms, our constitutional power to make just such a tariff as the times demand; a tariff yielding just enough, and no more, to the treasury, yet so taxing, and so exempting from tax articles imported, as effectually to protect the manufacturing capital and labor of the country.

But, sir, we know now that our friends of the planting States take stronger ground. They now say that, even if the tariff produce only the necessary amount of revenue, it cannot be so constructed as to protect manufactures, according to the Northern opinions on the requisite degree of protection, without injustice to the South. Such a tariff will admit some imports free of duty; it will tax some heavily, others lightly; and this "arrangement of duties" must, as they allege, from the habits of consumption and of production, peculiar to the planting States, act with a sectional injustice and hardship on them.

Now this allegation of the South presents a question of fact of great interest. It has been discussed at former sessions of Congress, with eminent ability on this floor. It is the turning point of the controversy which threatens, not to rend these States asunder, that is an absurd apprehension, but which threatens to prostrate every manufacturing establishment in the country. I do not say that it is capable of being conclusively determined. Perhaps it is a problem which must forever baffle all attempt at solution. But, sir, before this Government shall take for granted this strong, and no doubt sincere, assertion of its Southern citizens; before it shall doom to destruction the vast interests which itself has warmed into life, upon the supposition that it can protect them no longer without injustice to others, I submit that something ought to be done by the Government, as a Government, through some department, or committee, or board of commissioners, to settle this question of fact. It would be a reproach to politics, to legislation, to science, if it could not be settled by a proper course of inquiry, with some approximation to moral certainty. I know, indeed, something of the obstacles which the passions put in the way of the pursuit of truth. Perhaps Hobbes, if it was he, was not so far in the wrong when he said "that, if their interests required it, people would deny that two and two make four." But, sir, "difficulty is good for man." We are fast approaching a real crisis in the history of our manufactures. We are told we can no longer protect them, and do justice to the South, even if heretofore that was practicable. We cannot put this question aside; we must meet it; and it involves the most momentous domestic controversy which this country was ever engaged in. Sir, the position I take is this: that this House is not prepared to admit—cannot, as a matter of justice, and expediency, and honor, admit, without more inquiry, that a tariff, producing fifteen millions of revenue, and effectually protecting domestic manufactures, will operate with any peculiar and sectional injustice and severity on the planting States.

In the first place, before we venture against our recorded acts of the last session, to take a matter of so much importance for granted, I say we ought to have before us, for inspection, the project of a bill yielding fifteen millions, and so framed as to protect manufactures. No such bill was ever submitted to this Congress. This, from the Ways and Means, that committee tell us, will produce twelve and a half millions only, and it makes no attempt towards effectual protection. The tariff of last session, it is said, will produce twenty millions. What we ought to have, from some committee, or some department, for analysis, is a tariff, put together by express instruction of this House, in such a manner as to raise a revenue of fifteen millions, without injury to existing investments; and, as far as practicable, without injustice to any distinct section of country. Then, sir, there would be something definite to act upon; there would then be a specific plan of taxation before you, under which some imports would be free; some lightly and some heavily burdened; the articles would be enumerated, and the rates fixed. We should know then the terms and conditions of the problem to be solved. We could then subject the planting States to a minute comparison with other States, in regard to their habits of consumption and production, with reference to a given scheme of finance. The question then would be, taking into account the character of the consumption and production which distinguish the two great divisions of the country, which of them, under this precise scale of duties, will feel the heaviest burden, or will it fall in just proportion on each? I repeat, sir, the first step towards a proper trial of the question, involved in the representation of the South, would seem to me to be to call on the Committee of Manufactures, or of Ways and Means, for a bill of this character. Until we can see, and can dissect such an one, I shall not admit, in deference to any abstract reasonings, however ingenious; to any declamation, however eloquent; to any complaints, however loud or general;

that it may not be made to unite all the three requisites which must meet in a just, popular, and permanent tariff; that is, that it bring no surplus into the treasury, encourage and save manufacturing investments, and do no local wrong to the South.

But, sir, without waiting for the project of such a tariff, we know, to some extent, what it must be; we know, in general, that it will lay a heavier duty on articles coming in competition with our domestic manufactures; and a lighter duty, if any, on articles not coming in competition with them, than the average of a mere uniform ad valorem revenue duty. And, now, is this House prepared to admit, without more inquiry, that such a distribution of duties works any sectional wrong to the planting States?

In considering this question, let the tariff first be regarded as a great indirect tax on consumption paid by consumers. I know that this view of the tariff is narrow and inadequate; it is, however, to a great extent, the true view of it, so far as you look to the burdens only which it imposes. It is a law laying taxes on consumption, which are paid by consumers. The question is, do these taxes fall disproportionately on the South?

In this way of considering the subject, the only ground on which the alleged inequality of this tax, in its operation on the planting States, can be made out, is this: that those States consume a larger value of imported articles paying heavy duties under such a discriminating tariff, in proportion to their whole consumption or ability, than the other States; that they consume a larger value of imported sugar, woollen cloth, cotton cloth, articles and materials of occasional and extra dress, household furniture, mechanic tools, iron, steel, hemp, flax, cordage, chain cables, sail cloth, oil and dyeing materials, and the like, in proportion to their whole consumption, than the other States. Now, do the planting States, in point of fact, consume a larger amount of such articles than the rest of the Union, according to their ability? Sir, I utterly deny it. I assert the direct contrary. I tender an issue, and respectfully pray that the same may be inquired of by the country.

In the first place, sir, it has been alleged on this floor that the planting States do not now, and never did, consume so large a value of all imported dutiable goods, in proportion to their numbers, as the other States. In particular, I recollect that the gentleman from Rhode Island, [Mr. Burges,] in his able speech at the last session, took this position very strongly. In the resolutions which he laid some days since on your table, he reasserts this position. He told us that the records of the treasury and custom-houses will sustain him in it. They will show you, or rather you may collect from them, with reasonable certainty, the whole value of imported dutiable goods consumed year by year in the whole country, and the value of those consumed in the Southern States; the whole amount of duties collected, on them all, and the amount collected on the portion consumed in the Southern States. The result of the examination will be, that the complaining States have never paid, from the organization of the Government to this day, an amount of the indirect taxes which have mainly borne the entire national expenditure, in just proportion to their numbers, their whole consumption, and their general ability.

Sir, if the fact be so, it is a most important one. If it be so, that under no tariff, at no time, those States have paid a fair, constitutional proportion of tax, is it certain that under a protecting tariff of fifteen millions, they will pay more than their proportion? Is this so certain that you will take it for granted, without inquiry, and without trial, and prostrate your manufactures on the assumption?

Sir, in this view, the resolutions for inquiry proposed by the gentleman from Rhode Island, seem to me eminently reasonable and proper. I submit that we should immediately call out all the evidence to this point contained in the treasury and custom-houses; and, in the absence of that higher proof, I shall hold that the gentleman has truly stated to us the result of it.

But, sir, there is another mode of proof to which we may resort, and to which, through some department or committee, or board of commissioners, this Government is bound to resort, before we rashly conclude that protection to domestic manufactures and justice to the South cannot be combined in a revenue tariff. Looking, sir, beyond the records of the treasury and custom-house, at the habits, occupations, and modes of living, which distinguish the two great divisions of the people; judging from these, as men who know the country for which we legislate, where is there the largest proportional consumption of imported articles coming in competition with the domestic manufacture; and, therefore, heavily taxed by a protecting tariff? Certainly not in the planting States. Certainly the labor, and the middle classes, "the pillars of the exchequer," in the North, pay a heavier tax, in proportion to their whole consumption, under a tariff discriminating against such articles, than the labor of the South. Such is my opinion. But, if so, it puts an end to the whole controversy. The allegation of the planting States, that they are taxed more than a constitutional proportion by a protecting tariff, is silenced. Instead, therefore, of asking you to concur with me in the opinion, I entreat only that the House itself will inquire minutely and officially into the grounds of this opinion.

Is not this matter of fact immensely important in this deliberation? If by that mode of laying an indirect tax which protects your manufactures, you do not throw even a full constitutional share of tax on the planting States; if you tax yourselves out of all proportion more than you tax them, will you, on their complaint, adopt another mode of arranging the tax, not due to their rights, but destructive of your interests? Sir, I do not think it would be unbecoming this House, nor inappropriate to its duties at this exigent moment, to institute some such mode of inquiry as that indicated by the gentleman from Rhode Island. No duty of an American statesman requires so much minute and precise information concerning the habits of consumption, which distinguish one portion of the American people from another, as this of laying taxes Climate, occupation, custom, the standard of comfort and enjoyment, the state of arts and manufactures; the character and colour of the population—these causes produce marked diversities between the consumption of different States. A tariff may be so arranged undoubtedly, as to fall disproportionately on the consumption of a single State, or group of States, and if so, it is unjust. Whether such a tariff as would just supply your treasury, and protect your manufactures, would lay a tax so unequal, is the question. Try the issue then as becomes the wisdom of a parental and just Government. The best mode of conducting such an inquiry, is worthy of your most anxious deliberation; but, however conducted, the result would be to supply you a vast body of information, valuable for many uses, incalculably so for the lights it would shed on this great controversy.

Sir, if declining all inquiry, and taking for granted the allegation of the planting States, you decide this day to prostrate the rising manufactures of your country, what a spectacle you present to the world! Suppose an intelligent foreigner to interrogate an American citizen upon the matter, how do you think our countryman could make him comprehend our conduct? The foreigner would say that he had understood, with much surprise, that this Government had recently determined, to sacrifice the American manufacturing investments, amounting to some hundreds of millions, to the skill, and capital, and energies of England. The answer would be that this was true. I suppose, the inquirer would continue, that a majority of your people, or of the States, had become convinced that the protecting policy was unwise or unavailing, and, therefore, gave it up? Nothing like it; a large majority of the people, and of the States, were more strongly, and with a clearer perception of its value than ever before, attached to it; more and more every year, they saw, in a steady adherence to it, the means and the assurance of individual enjoyment and of national wealth, power, and aggrandizement; a small minority only of the people, and of the States, believed themselves oppressed, or at least not benefited by it. But does not the majority, acting in good faith, for the greatest good of the largest number, give the law in your system? In theory it does so; and in better times it did so practically. I suppose, however, that the majority were satisfied that the policy of protection did operate oppressively on the minority, and, therefore, magnanimously, if not wisely, relinquished it? No, not so; there was not a man of them believed any such thing; they uniformly, every where, and most sincerely denied it; in that very Congress which at length repealed the tariff, they proposed to the complaining minority to unite with them in any, and every conceivable mode of inquiry, to ascertain whether it overburdened them or not; they offered to submit to arbitrators, to go to the jury, to put it to the court; all was refused; nothing would satisfy; and they absolutely pulled down the whole system of legislative protection at length, to rid themselves of what, in their consciences, they believed to be a wholly groundless importunity. Sir, I think our foreigner in politeness could make no other answer to all this, than that we were a wonderful people.

I have thus far been considering the tariff as an indirect tax on consumption, paid by the consumers of imported dutiable goods. In that way of considering it, I never could comprehend the Southern sectional objection to it. To give colour to that objection, it should be shown that the States which urge it, consume a larger value of imports paying the heavy rates of duty, in proportion to their whole consumption, which is always in proportion to ability, than the other States. Not a tittle of evidence, in proof of this position, was ever offered to this or any other Congress. The presumptions are all the other way; we utterly deny the position, and offer to unite in any mode of inquiry which can be suggested to ascertain its truth or falsehood.

It is sometimes said, sir, that the consumer in the planting States pays a tax to the Northern manufacturer. This, like all violently metaphorical and incorrect language, is calculated to mislead the mind. It may be honestly, but never can be safely employed in any reasoning. Closely scrutinized, it means nothing, or nothing to this purpose. It means only that he who (instead of buying a foreign article, paying the price, and reimbursing the duty) buys a domestic article, pays a price perhaps somewhat inflamed, perhaps not at all so, by the circumstance that the imported fabric is charged with a duty. It is delusive and mischievous to call this the payment of a tax. The article has never borne one; the vender paid none; the buyer reimbursed none. So far from this, he who substitutes the domestic for the foreign fabric, *pro tanto*, evades the tax. If, then, you buy of the Northern manufacturer, you diminish your contribution to the public burden; if you buy nothing of him, you still pay no more than your share. On what ground, then, do you complain of a protecting tariff as an indirect tax? You demand, instead of it, a tariff laying an uniform ad valorem duty on all imports. Well, why? You see that you do not now contribute more than your proportion of indirect tax to the federal treasury. Would you contribute less?

Do you say, however, that the Southern consumer of domestic manufactures pays to the manufacturer a price enhanced by the imposition of duties on the similar imported manufacture; and that he thus bears a burden, though he does not pay a tax? I answer, first, that if the price is so enhanced, it is enhanced as well to the Northern as to the Southern consumer; there is nothing sectional in the alleged grievance. I say, further, that all the leading American manufactures are, all things considered, rapidly and successfully establishing themselves; that the time is speedily coming when a protecting duty will be unnecessary, or rather will not be felt at all by the consumer in the price of articles; and that, therefore, within the sensible and temperate doctrine of Alexander Hamilton, and even of Mr. Gallatin, as expressed in the memorial of the free trade convention, presented to this Congress at its last session, the present temporary inconvenience ought to be submitted to by the individual, for the sake of that ultimate and certain compensation, a diversified, vigorous, and national manufacturing industry.

Before leaving this topic, I beg to advert to a speech delivered in the Senate of the United States in opposition to the tariff of 1824, by a gentleman now very high in the Government of South Carolina. A portion of the speech he employed in anticipating the unfavorable sectional operation of that tariff on the cotton-growing States. In the course of this part of his remarks he enumerated two or three articles which he said were peculiarly of Southern consumption; the tax on which, therefore, he argued, would fall disproportionately on the South: Of these were plains and osnaburgs. Now, sir, how entirely practicable to preserve the general system of protection in its utmost efficiency, and yet do no sectional injustice. In the tariff of last session, this article, plains, is admitted under a duty of five per cent. ad valorem; and osnaburgs under a duty of fifteen per cent. ad valorem; less than the average of a uniform ad valorem mere revenue duty under this bill. Sir, the truth is, the great body of imported articles coming in competition with American manufactures, do not enter into a full proportion into the consumption of the South; and where, there is an exception to this general fact, it is perfectly easy to relieve the particular article, which is mainly of Southern consumption, from the operation of a protecting tariff.

Let me remind you, sir, that in this view of the sectional action of the tariff, as considered as an indirect tax on consumption, I have the very high authority of a distinguished gentleman from South Carolina, [Mr. McDUFFIE.] In the report of the Committee of Ways and Means, made at the last session of this Congress, he says: "So far as the protecting duties operate merely as taxes on consumption, there can be no great inequality in the burden imposed upon the different portions of the Union; and, whatever inequality there may be, as it is founded on a larger consumption, it may be fairly presumed to be accompanied by a corresponding ability to consume."

I know, sir, there is another ground on which the unequal and unjust action of the tariff on the planting States is argued. There are those, a few such only, who believe that the duty imposed by the tariff is not all paid by the consumer; that a part of it is thrown back on the importer of British goods, or the manufacturer of those goods, or the exporter of Southern staples, exchanged for them, or the producer of those staples, or that it is, in some way, divided among them all; and that the result is an unfavorable operation on the cotton planter, abridging the demand for his products, or diminishing his profits.

In this view of the matter, the tariff is no longer a great indirect tax merely; it presents itself as a national policy, complex in its bearings and influences. Thus considered, the question is not, whether it is equally, positively, and palpably beneficial to every part of the country, and to every individual of every part. It is enough if beneficial in its general action; it puts no considerable section in a worse condition, taking all its good and all its evil together, than it would be without it. If such be its character, it is as just, impartial, and wise, as belongs to human legislation. But, sir, with regard to this theory of an unfavorable operation of the tariff on the producer of Southern staples, as such, as a producer, it is enough to say that this House wholly rejects it. It was advocated at the last session on this floor with great ability; yet down to the end of that session, there were not thirty members, I think, who adopted it. In all the South, out of South Carolina, I doubt if it had thirty disciples more. What new light may have broken in since, and through "what chasms and openings of ruin," I know not. But I venture to say, that, if this were the whole of the case made against the tariff, the House would dismiss it, and dismiss this bill without another moment of deliberation. Surely you would not pull down this fair fabric of industry and art, which, these forty years, have been slowly building up; you would not turn these free laborers from their employments by thousands; you would not slaughter the sheep, put out the furnaces, break in pieces the machinery, and turn to waste the water power of your constituents, upon a theory which you are not certain you comprehend, but if you do comprehend, are certain you do not believe it?

I do not know that any inquiry which this House could direct to be undertaken, would throw light on this theory. It rests rather on abstract reasoning than on any conclusions from known or asserted facts; and derives more aid from a powerful and subtle logic than from the philosophy of induction. But if we inquire at all concerning this matter, let our inquiry be broad and comprehensive, embracing and displaying the whole sectional operation of the tariff on the planting States. Let us inquire, if we have any about it, whether it has not caused a fall of the prices of all imported and domestic manufactures consumed in these States. Let us inquire whether it has not enlarged the entire market, including both divisions of it, domestic and foreign, of Southern staples; whether it has not enlarged the domestic demand for foreign goods of all sorts which must be paid for by Southern staples; whether it has not withdrawn capital from cotton planting, to the production of sugar; whether it has not kept up the saleable value of slaves, quoted, I perceive, in the Richmond prices current of this morning, at higher prices than they ever brought before; whether it has not retained Northern labor at home to consume the wheat, rice, tobacco, and cotton of the South, instead of sending it out thither to produce those articles; and, generally, whether the region of planting States has not thriven indirectly, at least, by connexion with a country which, as a whole, has prospered exceedingly under this policy of protection. Such a range of inquiry, sir, will disclose a beneficial sectional operation of the tariff, something more than enough to compensate for all the evils imagined by a theory not yet proved; believed no where; certainly not yet sanctioned by the judgment of this House.

Sir, the same gentleman, to whose speech in the Senate, on the tariff of 1824, I have just alluded, anticipated an advance of the prices of the articles heavily taxed by that tariff. Every one of them has fallen in price. He anticipated a total loss, or great abridgment of the market for Southern staples, and particularly cotton. Yet see how immensely that market has gone on enlarging. He predicted an increase in the cost of transporting those staples to Europe; and freights were never lower than they are at this moment.

I submit, therefore, sir, upon the whole, that we should not pass this bill, because it assumes that a tariff producing only the necessary revenue, cannot be constructed to give effectual protection to manufactures without injustice to the South; a position which I deny; and which, let me say, we cannot admit consistently with our own solemn responsibilities to our constituents, to the nation, to that tribunal "at which nations themselves must one day answer."

I have long thought that the arrival of the time when it should become necessary to reduce the revenue to fifteen millions annually, would bring a real crisis in the history of our manufactures. It is well, perhaps, that we have a year or two yet to prepare for it. Within that time, the gentleman from Connecticut [Mr. Ingersoll] has shown, that all our present sources of income will not yield that surplus to which some gentlemen look forward with so much hope, and others with so much apprehension. Meanwhile, sir, the friends of the American protective system, we, who believe that manufactures are essential to fill the measure of a country's glory, and that some degree of artificial and legislative aid is necessary still longer to the encouragement and growth of our own, have a great task to perform. A reduction of the revenue we cannot prevent, and we would not if we could. But if we are true to ourselves, a reduced revenue may be made effectually to protect the interests we seek to cherish. There is a whole constellation of States against us on the plea, always respectable, that the policy we would perpetuate is oppressive and unjust to them. Let us neither too rashly admit, nor wholly refuse to listen to this plea. Assured ourselves that it is groundless, let us spare no pains; let us decline no mode of inquiry; let us help to collect and display every species of proof and illustration, to satisfy them that it is groundless also. Out of those States there are active and powerful interests against you. The public mind is excited and apprehensive. Appearances here and there are unpleasant, and revolutionary. It is just the time for men to act in. Take care of the industry of the country. Sir, if groundless fears, hasty judgments, intimidation, the cunning of politicians out of this House, who would trade away the sweat of the brow of free labor for the votes of the masters of slaves; if any, or all of these things, should scatter and divide us among ourselves, we are lost, indeed, and we are all lost together. How long do you think the navigation of this country would continue to pay that tax on iron, after the iron tax is all that is left of the tariff?

Mr. Chairman: There is one more general reason why this House should not now pass this bill, or any bill at all resembling it. That is a fatally bad measure in itself, that it disturbs and endangers all the manufacturing investments of the country, and sacrifices especially those of New England. This, sir, indeed, is enough to decide my vote. But if it were not quite so palpably and radically bad, I should hope it would be promptly rejected. Sir, the actual motives on which gentlemen will perform the duty which this occasion devolves on them, will be various and secret, and all deserving respect. By me they shall not be impeached or questioned. Some, undoubtedly, will vote for the bill upon a consistent and avowed and settled hostility to the protective system. Some, perhaps, because their interests are spared, and those only of their neighbors and allies are sacrificed. Some, again, upon an honest apprehension for the integrity of the Union. But, sir, the country, history, will stamp this proceeding as a concession to the sovereignty of South Carolina.

And may I be permitted respectfully to ask the tariff majority of this House, those who framed the details of the law of last session, and carried it through, and who hold this question in their hands, may I ask you, on what ground, if it is not the attitude of South Carolina, you give your votes for this bill? Believing, as you do, that a tariff may be made which shall meet the pecuniary wants of the Government, the claims of domestic industry, and the rights of the South, and reconcile them all; believing, as you do, that the plighted faith of Congress, the just expectations of vested interests, and the prosperity of the nation demands such a tariff, on what ground do you vote for such a bill as this? You do not believe that it gives the necessary degree of protection; for if so, you admit that you voted five months ago for more protection than was necessary, by seventy-five per cent. You do not believe that justice to the South demands this act from you; for, if so, you admit that you were guilty, at the last session, of gross and known injustice. You have learned nothing new of the general hostility of the Southern States to the protecting policy; you knew at the last session that they were all against it, and yet you thought yourselves obliged to disregard their opposition.

There is but one ground on which you can account for the vote you give for this bill, and it is, that South Carolina has nullified every existing tariff. But you deny her right to nullify the law; and you agree with the President; you agree with the people speaking through their local Governments, their primary assemblies, and the press, as with a voice of thunder, that she must submit, though she were the fairest and dearest of the whole sisterhood of the States. You propose, then, to abandon a policy, sixteen, or rather forty years old; sanctioned by every President and every Congress; by the acquiescence of a large constitutional majority of the people; by a long, splendid, and robust national prosperity; a policy to which, five months ago, you gave your sanction; to abandon it without inquiry, without instruction from your constituents, yet against their known interests and presumed will; to abandon it, not to justice, for you do not believe that justice demands it; not in defference to the opposition of a respectable constitutional minority, for that you have all along thought it your duty to disregard; but in deference to this strange, half-peaceable, half-forcible, wholly unconstitutional interposition of a single State?

Sir, it is for those, if any such there are, who, out of this House, are pressing this bill along, from any motive of political ambition, to consider how it may affect the chances of public men for high office, thus to make nullification a triumphant and recognized part of our already sufficiently complicated system. It is for us, the members of this House, who believe "that the preservation of the General Government, in its whole constitutional vigor, is the sheet-anchor of our peace at home and safety abroad," and that "absolute acquiescence in the decision of the majority is the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism:" It is for us to pause long and anxiously before we do any thing to establish the precedent, fraught with all unimaginable and immitigable evil, that a small majority of a single State, whether of the fourth class, or the first, shall make the laws of this Union. Sir, in this view, our situation is undoubtedly one of interest and responsibility. Thank God, however, our duty is as plain as it is important. Sir, these unauthorized risings against the law, I will not call them what the law calls them, revolts, rebellions, treason, are among, I do not say the ordinary, but they are among the inevitable and not unfrequent perils which menace all human Governments. Remember, they are the same under our system that they are under every other. Our federal constitution, and our separation into States, may give them force, organization, complexity; but they do not change their nature. Essentially, here, and every where else, they are things irreconcilably antagonist to the rightful supremacy of the public will. Here, and every where else, there is but one of two alternatives for choice. They must be put down by the Government, or the Government must be put down by them.

How quick and high would the pulse of this nation beat, if a foreign power, of the first class, should demand a repeal of the tariff upon a threat of a declaration of war. Would to God it were our enemy that had done this? Then, all the proud sentiments and energetic passions of man would come in aid of the colder suggestions of duty, and honor, and patriotism, and public virtue, and the love and the hope of glory would rally from the East, the West, and South, alike, to execute the national will. But, sir, although it is not our enemy, but our own familiar friend, they of our own household, whom we have loved and honored, and trusted, that have risen against us; although on that field there are no laurels to be won, and, as I hope, most sincerely, and believe with the gentleman from Ohio, [Mr. Kennon,] who has just resumed his seat, no blood is to flow there—yet have we a great civil and pacific duty to do, and wo unto us if it is not wisely and firmly done! Sir, I judge for no other member of this committee—far be such presumption from me; but for myself, I say I should feel the longest day I have to live, that I had shrunk from the performance of my part of that duty, if I voted for this bill, or any bill in any considerable degree resembling it.

Mr. GILMORE, of Pennsylvania, followed. He said he rose to address the committee after a struggle between diffidence and duty. The occasion, and the reference made to him, as a member of the Committee of Ways and Means, which reported the bill, seemed (he said) to require it.

My colleague [Mr. McKennan] appealed to me (said Mr. G.) in particular, to say whether I had received any expression of opinion from my constituents, which would justify the course I have taken in relation to this bill. I would say, in reply, that it is the duty of the President to recommend to Congress, from time to time, such measures as he shall judge necessary and expedient.

The President did, in his late annual message, earnestly recommend to Congress a further reduction of duties. This message was responded to with approbation, not only in the district in which I reside, but throughout the State. Is this no expression of opinion? But, besides this, I have received numerous letters from those in whom I can confide, and who have a deep stake in the country, all breathing the same spirit, (with a solitary exception,) advising moderation, forbearance, and concession, and save the Union; and recommending a reduction of the duties to the wants of the Government, and moreover, stating that it was all idle in this enlightened period of the world, to think of holding the Union together by physical force—that the strongest tie was a moral sense of justice. I feel fully justified in my course. I have the advice of those who are near and dear to me. I have the advice of a father and of a son. I can the more readily comply with their wishes, because they are in accordance with my own opinion.

Great responsibility rests upon the action of this Congress. We have arrived at a critical period in our Government, where one misstep may seal our ruin; a healing policy alone will answer, which I apprehend is contained in the bill under consideration. The bill proposes to reduce the duties to the wants of the Government, and so to arrange these duties as to afford a fair and reasonable protection to those great interests which have grown up under the faith of the Government. These are my views, and, if accomplished, all will be well.

By a fair and reasonable protection, I do not mean prohibition, neither do I mean an insurance against the fluctuation of market by an excessive influx; but merely such protection as will counteract foreign regulations, and compensate for the difference in the cost of manufacturing. Is this not fair? Why should more be required, if protection alone is wanted, and when murmurs and discontents exist in the South? They say the operation is unequal; that one branch of industry is taxed to support another, and that they are compelled to pay more than their just proportion as to the equality of duties on the manufacturing and non-manufacturing States. I shall read an extract from the Federalist, a book of high authority: "When the demand is equal to the quantity of goods at market, the consumer generally pays the duty; but when the markets happen to be overstocked, a great proportion falls upon the merchant, and sometimes not only exhausts his profits, but breaks in upon his capital. I am apt to think that a division of the duty between the seller and the buyer more often happens than is commonly imagined. It is not always possible to raise the price of a commodity in exact proportion to every additional imposition laid upon it. The merchant, especially in a country of small commercial capital, is often under a necessity of keeping prices down, in order to a more expeditious sale. The maxim that the consumer is the payer, is so much oftener true than the reverse of the proposition, that it is far more equitable that the duties on imports should go into a common stock, than that they should redound to the exclusive benefit of the importing States. But is it not so generally true, as to render it equitable that these duties should form the only national fund? When they are paid by the merchant, they operate as an additional tax upon the importing States, whose citizens pay their proportion of them in their characters of consumers. In this view, they are productive of inequality among the States; which inequality would be increased with the increased extent of the duties. The confinement of the national revenues to this species of imposts, would be attended with inequality from a different cause, between the manufacturing and non-manufacturing States. The States which can go farthest towards the supply of their own wants, by their own manufactures, will not, according to their numbers or wealth, consume so great a proportion of imported articles, as those States which are not in the same favorable situation; they could not, therefore, in this mode alone, contribute to the public treasury in a ratio to their abilities.

Sir, I believe we have the power of protection, and I agree as to the expediency, at least so far as can be confined within the limits of a revenue standard.

The first great interest which I shall notice, requiring protection, is iron. This I place on a footing different from other manufactures. It is the first necessary of civilized life, "and contributes most to the wealth, the comfort, and the improvement of society." It is essential to the independence and defence of a nation. It is a great national object, in which we are all interested. I have no practical experience as to the making of iron; but from the best information I can obtain, I believe the protection proposed by this bill will be sufficient, and in a short time it may be reduced, if not dispensed with entirely. Our beds of ore and banks of coal are inexhaustible. A coking company is formed in this country, and when the application of stone coal is perfectly understood, we can make iron as cheap here as in any part of the world.

In England, in consequence of the encroachments on the forest in the year 1788, the quantity of iron made out of charcoal had dwindled down to thirteen thousand tons per annum. At that time coke was introduced into the blast furnaces, and in less than eight years it increased more than ten-fold; and, at this time, they make annually to the amount of eight hundred thousand tons, being more than all the world besides. The honorable gentleman from Connecticut, my colleague on the Committee of Ways and Means, [Mr. INGERSOLL,] if I understood him correctly, seemed to insinuate that my course, in relation to this bill, was influenced by the favor shown to Pennsylvania on iron. Pennsylvania asks but equal justice; she claims no favor nor preference over her sister States. My colleague [Mr. CRAWFORD] thinks iron is not sufficiently protected, and can see no reason when we took the act of 1816, and its supplements of 1818, as the basis of our bill, that we did not put rolled iron at thirty dollars as it stood under the act of 1816. I say in reply, that I believe twenty-four dollars a sufficient protection for rolled iron, and is one step towards justice; the difference between hammered and rolled iron appeared unwarrantable; and even the justice of the discrimination may be doubted, if the expediency should not, as will be seen by the following letter.

[Here Mr. G. read a letter from Mr. Stratford Canning, Minister of Great Britain, to Mr. Adams, Secretary of State, dated Washington, November 26, 1812.]

I shall next proceed to the consideration of woollens, cottons, &c. The bill proposes a gradual reduction of duties on woollens and cottons to twenty per cent. It appears fully, by the testimony taken before the Committee on Manufactures, in 1828, as also by the returns to the Secretary of the Treasury at the last session, that woollens can be manufactured here as cheap as in England, provided the raw materials could be obtained on the same favorable terms. And why not? Have we not the best and latest improvements in machinery? Do not our manufacturers possess as much skill, industry, economy, and enterprise? We are no longer in our infancy. The duty on wool is reduced, and dye stuffs free; and besides, the foreign fabric will be subject to the additional charge of freight, insurance, commission, and exchange, equal at least to twenty per cent. more. Surely, with this protection, there can be no danger of the prostration of the existing establishments. We have nothing to fear from coarse cottons—they need no protection. We can manufacture them here as cheap as they can in England. We export the article, and compete with them in a foreign market. The only doubt is as to the finer cottons. I think, with the advances we have made in the manufacture of fine cottons, the protection afforded by this bill will answer. But I shall proceed to notice the testimony taken before the Committee on Manufactures, in 1828. The following question was proposed to several witnesses, to wit: If wool be the same price here as in England, can the American manufacturer make the fabric as cheap as it is made in England?

Abraham Marland says, I think we can manufacture wool in this country about as cheap as they can in England, wool being the same price.

Colonel James Shepherd says, the difference in the price of the fabric would be the difference in the price of the wool is my opinion, as I think we can manufacture it as cheap as they can.

William W. Young says, I think it can; I believe if I can have the raw material at the same price, I can manufacture cassimere as cheap as it can be done in England.

James Wolcott, Jr. says, we can do the mere labor of the manufacture as cheap as it is done in England.

Elenterre Irence Dupont says, the woollen manufacture is not yet fairly established in this country; but I know no reason why we cannot manufacture as well and as cheap as they can in England, except the difference in the price of labor, for which, in my opinion, we are fully compensated by other advantages. Our difficulties are not the cost of manufacturing, but the great fluctuations in our home market, caused by the excessive and irregular foreign importations. The high prices we pay for labor are, in my opinion, beneficial to the American manufacturer, as, for those wages, he gets a much better selection of hands, and those capable of, and willing to, perform a much greater amount of labor in a given time. The American manufacturer also uses a larger share of labor-saving machinery than is used in English manufactures, which very much diminishes the effect of the higher rate of wages upon the actual cost of our goods.

Joshua W. Pierce says, I think it can. All my information brings me to this conclusion, and one reason I would assign is, that we substitute a much larger share of the labor of females than they do in England, in the woollen manufacture.

Question. Were not manufactures, generally, doing a better business previous to 1824, than they have done since?

Abraham Marland says, I think the business previous to 1824 was better than it was in 1825 or 1826. My business certainly was.

James Wolcott, Jr. answers the same question. Our business has been worse since 1824, except in 1825, as woollen goods have fallen very much in price, say from 25 to 33⅓ per cent.

I shall next notice testimony in relation to the duty on wool, and the farming interest.

Question. Are you apprised of the fact that large quantities of wool is annually imported; and does not this tend to depreciate the price of the domestic wool?

The honorable Aaron Tufts, who was a wool-grower, and had about five hundred sheep, says, I am. I do not think this tends in the least to depreciate the price of domestic wool. The reason I assign for this opinion is, the manufacturer now pays so high a price for wool as to render the business unprofitable and bad, and, of consequence, if none was imported, we could pay no higher price.

James Shepherd, who was a wool-grower, and had from 1,200 to 1,400 sheep, answers the same question. I am aware that large quantities of foreign wool are imported. I consider the duty laid on foreign wool, by the act of 1824, as striking at the foundation of the manufacturing system. I am of opinion that, if the duty laid on foreign wool had not been more than one-half of what it was, wool growers and manufacturers would have both done better. I am of opinion, also, that the imported wool has no effect on the price of the domestic wool. I prefer the latter, whenever I can procure it, to any that is imported.

The following question was proposed to several witnesses:

Question. Is it, in your opinion, important to the farming interest of your State, to discourage the importation of foreign wool?

Honorable Aaron Tufts says, it is, in my opinion, of no consequence, unless you enable the manufacturer to furnish the farmer a market.

William W. Young says, I do not think it important to the farming interest of the State of Delaware, to discourage, at present, the importation of foreign wool, although it may be so in future.

Several witnesses answered the following:

Question. Has wool depreciated materially in price within the last three years? And, if so, to what is the depreciation to be attributed?

Abraham Marland says, it has depreciated in price, and the reason I would assign is, that the large importations of foreign woollen goods have reduced the prices of cloth, and disabled our manufacturers to pay a higher price for the article. We have always had as high priced a wool as we could afford.

Joshua W. Pearce answers the last question, and says, it has very considerably, I should say from 25 to 30 per cent. I attribute the depreciation to the over stock of foreign cloths in our markets, and to the consequent depressed prices of woollen cloths.

I have before me Document 1, No. 1, containing returns of the state of manufactures in Maine, made to the Secretary of the Treasury at the last session.

Asa Clapp says, cotton factories at the present time are very profitable; but it is to be expected, from the great number building, that much competition will ensue, and profits will be lessened. He further says, in the manufacture of wool we have made less advance; but it is thought a considerable reduction may take place, and the business still continue profitable.

James L. Child, from the same State, in Document 1, No. 2, says, the impression among intelligent gentlemen with whom I have conversed is, that the duties upon woollens and cottons might be advantageously reduced, and the factories still be able to carry on their business at a rate of profit considerably above what is realized in other branches.

Sir, I have examined returns from the States of Vermont and New York, and find the manufacturers generally to have large profits on their capital. I should next refer the committee to an extract of a letter on the manufacture of edge tools, in Chambersburgh, Pennsylvania. The letter is from Mr. Dunlap, one of the proprietors. He says: "We (Dunlap & Madeira) a few days ago received a letter from Messrs. Lesley & Meredith, hardware merchants in Philadelphia, stating, in substance, that they had just received a long letter from James Carr, of Sheffield, England, to whom they had forwarded, by order of his son, fifty dollars worth of our goods, as patterns, in which he says he is very much pleased with them, and that they are exceedingly neat and well finished, but that the price of them was too low, and that he cannot furnish such tools at that price, to suit any market in the United States. We sold him the goods at our retail price. He wishes to know your wholesale prices. The English workmen have great difficulty in hitting your patterns, and ask a considerable advance on any new article. We need not fear any competition with the English. American tools of the larger sort are from 10 to 20 per cent. better than the British any how."

Sir, I have no doubt considerable embarrassment will be the consequence of a reduction of the duties; it is always the case; but this is unavoidable. The national debt being paid off, the people will not submit to taxation or high duties, and suffer money to accumulate in the treasury. Bringing the protection to the revenue standard will give stability and uniformity to the system, and less protection will be required than where the system is shifting and changing. But it is apprehended that the proposed reduction would induce foreign manufacturers to glut the market at a present loss, with the hope of a future gain, by breaking down our establishments. This I consider without foundation, in consequence of the difficulty in dividing the loss among themselves.

The fact is, all the great branches of manufacture are already overdone. England alone could supply the world. The labor-saving machinery used there is equal to the labor of two hundred millions of people. The labor-saving machinery used here is perhaps equal to the labor of four times our present population. It is evident, then, that the production may easily exceed the consumption, because population cannot keep pace. But I shall not enlarge, nor detain the committee longer.

The committee then rose, on motion of Mr. McKENNAN, and the House adjourned.

Wednesday, January 16.

SOUTH CAROLINA.

A message was received from the President of the United States, by Mr. Donelson, his private secretary, communicating the nullifying ordinance of the South Carolina convention, and other papers relating thereto, together with the President's own views as to what was proper to be done in the existing posture of the Union in reference to that State. [See Appendix.]

Mr. **WILDE** said it was obvious that the message just read was universally felt to be of the most solemn importance. This might be seen in the anxious countenances which surrounded him. We had arrived at a solemn crisis—a crisis of the most extraordinary character. It had, for the first time since the institution of the Government, been announced to Congress by the Chief Magistrate of the United States, that one of the States of the Union had denied the power of our laws. If we persevere in enforcing these laws, she claims the right of withdrawing from the Union. This right she has announced that she will exercise, and will relieve her citizens from the operation of the laws of the United States, peaceably if she may, and with violence if that should become necessary. This was not the ordinary case of enforcing the execution of the laws upon private individuals.

The **SPEAKER** said, if the gentleman proposed to make any motion, he would be pleased to submit his proposition in writing.

Mr. **WILDE** said his proposition was, that the message and the accompanying documents be printed; and that the further consideration of the subject be postponed until to-morrow, in order that gentlemen might, after due reflection upon this momentous topic, come to its consideration with calmer feelings.

Mr. **ARCHER** inquired of the Chair whether the motion did not supersede a proposition for the reference of the message?

The **SPEAKER** replied in the affirmative.

Mr. **ARCHER** would suggest to the gentleman from Georgia [Mr. Wilde] whether it would not be better to withdraw his motion to postpone? He should not make any remarks upon that proposition.

Mr. **WILDE** regretted he was unable to comply with the suggestion of the gentleman from Virginia. The reference, even of a subject like the present, required deliberation; the object of his motion was to gain time for deliberation.

Mr. **CAMBRELENG** hoped the motion to postpone would not prevail. If it is intended to pursue the course usually taken in such cases, the message should be referred. If the feelings of any gentleman was excited, the fact had not come to his knowledge. There was no occasion for inflaming the passions by precipitating ourselves into a debate upon this subject before it was referred and reported on by a committee in the ordinary course. The House had heard the opinion of the Executive, and for himself he was not prepared to act upon it until the measures recommended should be examined and reported on by one of the committees of the House. This examination would give members sufficient time to come to the discussion of the momentous subject with all the moderation which patriotism required.

Mr. **WAYNE** saw nothing in the message, or the documents accompanying it, which should excite. They were not unexpected, he believed, to any member of the House. The subject had been before the public for a considerable time. He regretted that he could not vote for the proposition of his colleague, accustomed as he ever had been, to follow his lead. The suggestion of the gentleman from Virginia, [Mr. Archer,] if followed out, he conceived to be the proper course. The proper reference of the message, in his view, was to a select committee, to be composed of one member from each State. Some of the subjects contained in the message were undoubtedly proper for the consideration of the Committee on the Judiciary; but, as its leading principles were important to every State—

The **SPEAKER** said, any discussion upon the proper reference of the message was not now in order; the question before the House was upon its postponement.

Mr. **WAYNE** assented to the correctness of the decision. He trusted the motion to postpone would not meet with the concurrence of the House. It could only be supported in the view that we were to go into debate upon the subject, before it was referred. He could perceive no benefit from such a course. If it was first referred to a select committee, to report upon the proper course to be pursued, there would then be ample opportunity for discussion. He presumed that the House intended to provide for the effectual enforcement of the laws. There was no occasion for passion in discharging such a duty. He presumed that every member would bring to the discussion of such a subject the judgment and deliberation which it required. He therefore hoped an opportunity would be afforded for reporting such measures as would meet with the response of the whole House.

Mr. **ARNOLD** concurred in the views last expressed. There was nothing in the message to rouse passion—far from it; its tone was calculated to thrill with delight the bosom of every man that loved his country. It was a document which he desired to see in the hands of every man, woman, and child in the country; and, as he meant to move for printing an extra number of copies, he should oppose the postponement.

Mr. **DEARBORN**, in order to put a stop to premature and unnecessary discussion upon the motion, moved the previous question, but withdrew his motion at the request of

Mr. **WILDE**, who said it had been suggested that it would be impossible to print the message and documents by to-morrow. He would, therefore, so modify his motion as to postpone to the day after to-morrow.

Mr. **ELLSWORTH** said the motion to postpone involved the single consideration whether it was expedient to go into the discussion of this subject before it had been examined by the committee. He could see no occasion for hurrying into a debate upon it before the subject had been reported on in the usual form. No benefit could be derived from thus rushing into the arena. He would submit to gentlemen whether it would not be better to avoid diving at once into deep water. He fully concurred with the gentleman from Georgia, [Mr. Wayne,] who had suggested the reference to a select committee, to be composed of one member from each State.

Mr. **STEWART** differed from the gentleman from Connecticut, [Mr. Ellsworth.] In his opinion, the House should take two or three days to determine what would be the best course to pursue. According to his present view, the proper reference would be to a Committee of the Whole on the state of the Union. The time had arrived when this subject should be fully discussed, and the sentiments of the House upon it made known to the people. These documents should go forth to the nation with a full expression of the opinion of the House upon them. He should, therefore, vote in favor of the motion to postpone.

Mr. **CARSON** said he would vote in favor of the motion to postpone, for the single reason that he wished for time to consider which was the best course—not from any feeling or passion. He was not conscious of any; nor had he perceived any in other members. In the first instance, he had been ready to vote for a reference of the subject to the Judiciary Committee; but after the suggestion of the gentleman from Georgia, [Mr. Wayne,] inclined to the opinion that a select committee would be most appropriate. Before he came to a final conclusion, he wished for further time, and should, accordingly, vote in favor of the postponement.

Mr. **E. EVERETT** believed the original motion of the gentleman from Georgia [Mr. Wilde] was the most correct, and he regretted that it had been modified. All the papers, except the message of the President, had been before the public. The message itself would be in the hands of every gentleman in the morning; indeed, he would venture to say that it was now in type, and might be read within a few hours. All that was wanted was a little time for consideration. He would, therefore, move to amend the motion by striking out the day after to-morrow, and inserting to-morrow.

Mr. **COULTER** was opposed both to the motion to postpone, and to the amendment. Neither proposed the course which had been usually given to the Executive messages—not only of the present, but of former Presidents. What had been the usual mode of disposing of the President's message? It was referred to the Committee of the Whole on the state of the Union. When it was so referred, it could be taken up at any time when the House was prepared for its consideration. After going into Committee of the Whole on the state of the Union, the proper direction to be given to each branch of the message could be considered. He was not inclined to cut off discussion on the subject. The doctrines of this message, in justice to the people, both as to the rights of the United States and of the States, should be fully discussed.

The **SPEAKER** reminded the gentleman that the question before the House was simply upon the postponement.

Mr. **COULTER** said he was opposed to any postponement, and should support the reference of the message to the Committee of the Whole on the state of the Union.

Mr. **McDUFFIE** trusted the motion of the gentleman from Georgia [Mr. Wilde] would prevail. It appeared to him that the object of the motion had been misconceived. He was not aware of any intention of going into a general discussion of the message at this time. As he understood the motion, it had been made for the purpose of giving gentlemen an opportunity of properly weighing the subject, and giving it such a course as seemed most proper. He must ask for the postponement, as matter of personal favor to himself. He had not heard the message read. He came into the hall after about two-thirds of it had been gone through. If a reference at this time was persisted in, he must ask that the message be again read for his information. For himself, he must confess his astonishment at witnessing so much apparent excitement, particularly among gentlemen who so strongly deprecate all excitement. He regarded the subject as too deep and solemn for excitement, in the ordinary acceptation of the term. Under the circumstances, he trusted the motion for postponement would prevail.

Mr. **WILDE** said, after the suggestion from the gentleman from Massachusetts, [Mr. E. Everett,] he would again modify his motion, and make it what it was originally—to postpone till to-morrow. Though the contents of the message might have been anticipated by some of the members of the House, he had not been made acquainted with them, and had no reason to expect it. The preparation to which his colleague [Mr. Wayne] had alluded, had not been extended to him. He did not regard this as an unusual or disrespectful motion. On the other hand, he considered it most respectful to the Executive to consider deliberately what was the best course to be pursued. It might be most proper to refer the message to the Committee of the Whole on the state of the Union. But on this point he had not formed an opinion, and was not prepared to commit himself.

Mr. **WAYNE** said, his only preparation as to the message, was an opinion in which he presumed he was not singular with regard to what was clearly the duty of the Executive under the circumstances. He would not deny but a rumour had come to him, within a day or two, that a message would be sent, and he was rejoiced that it had been received, as it would put an effectual stop to the calumnies that had been industriously circulated throughout the South that the President intended to resort to measures of coercion against South Carolina without consulting Congress.

Mr. **DRAYTON** would acknowledge that he felt an interest in this subject, and was anxious that it should be properly disposed of. He was not able to perceive any sufficient reason for the postponement. The message and documents could not be printed and laid on our tables by to-morrow. The object of this communication was to enable Congress to devise the proper means for calming the tempest which now lowered over a part of the Union. The sooner we proceeded to this duty, the sooner the horizon would be cleared. The best course appeared to him to be to refer to a committee the consideration of the laws which now exist, together with the amendments which may be necessary. Upon their report the House would be able to form a competent opinion of the measures necessary to be taken under the trying circumstances in which we were placed. If the subject was now referred, this plan would soon be laid before the House. If it was postponed till to-morrow, another day would probably be spent in general discussion; and there was no reason for supposing that it would then be disposed of. The House would not then be calmer than it now is. The subject was but too familiar; it had been long before the public. Whatever duties the members of the House owed to themselves and their country, they were probably as ready to discharge at this, as at any other time. Thinking, as he did, that the sooner the system of measures was settled the better, he felt bound to oppose the motion for a postponement.

Mr. **WILLIAMS** could see no reason for delay, which would not apply with as much force to-morrow as to-day. The House was now as well prepared to decide upon the proper course as it could be then. He should, therefore, vote against the postponement.

Mr. **ARCHER** was as willing, and perhaps as desirous, to express his views at length upon this great subject as any member in the House; but he could not act with precipitation in such a crisis. He was not one of those who could find matter for excitement in such an occasion. In his opinion, the message that had been read was as much calculated to allay excitement, as any that had been ever promulgated. When he had endeavored to get the floor immediately after the message was read, it was not for the purpose of moving its reference to a select committee, of which, by the courtesey of the House, he would have been chairman. As a southern man, he had no wish to be placed in that situation. His object was to move its reference to one of the standing committees of the House. At a proper time he should move its reference to the Committee on the Judiciary.

Mr. **WILLIAMS** considered the reference to the Committee of the Whole on the state of the Union the proper reference. He should make that motion.

Mr. **HOFFMAN** could not perceive any benefit to be gained by a postponement. If the gentleman from South Carolina [Mr. McDuffie] had not heard the message, and now wishes it to be again read, he should cheerfully accord the privilege to him. But as to further delay, it should be remembered that half the period of the session had been spent, and little business had been done. If the subject is postponed, we stand to-morrow precisely where we do to-day. It had been stated to be the ordinary course to refer messages to the Committee of the Whole on the state of the Union. Why may not that course be as well taken to-day as to-morrow? It was the imperious duty of the House to make the earliest possible disposition of the subject. He would not defeat his own object, which was to dissuade debate on this question at this stage, by taking up more time. He hoped the message would be referred to the Committee of the Whole on the state of the Union, in which every gentleman who desired, might fully state his opinions.

Mr. **INGERSOLL** said he should vote against the motion to postpone. He could not agree to a reference to a standing committee, or the Committee of the Whole House on the state of the Union. Why should it go into Committee of the Whole unless for the purpose of getting up a discursive debate. Whenever the subject was brought before the House it should be upon some distinct proposition.

The **SPEAKER** said the discussion of reference was not now in order.

Mr. **INGERSOLL** said he would not pursue it further than to remark, that he thought a reference to a select committee composed of one member from each State was the most appropriate reference.

Mr. **BURGES** said the word of excitement had a two fold meaning; it might import a sober, anxious solicitude upon a subject of vital interest; or it might mean a violent blaze of feeling. He is willing to admit that he was under the influence of excitement of the former kind, and well he might when a subject of such engrossing importance was before the House. Every member in the hall, was, he hoped, prepared to consider it calmly and deliberately. His opinion as to the reference of this message was that it should go to the Committee of the Whole House on the state of the Union. He, therefore, should not have voted for the postponement were it not that the gentleman from South Carolinia, [Mr. McDuffie] who had not heard the message, asked it as a personal gratification to himself. Situated as that gentleman is with regard to this subject, he could not refuse his request.

Mr. **CRAIG** thought as the subject would be entirely in the power of the House, when referred to the Committee of the Whole House on the state of the Union, he should vote against the postponement. If gentlemen were not ready to take up the subject, and could satisfy the committee that it ought not to be taken up, it would not be done. He could perceive no reason for the postponement.

Mr. **R. M. JOHNSON** had listened with attention to the remarks that had been made in favor of postponement, and had been convinced that it would only lead to a premature and useless discussion upon the subject generally, instead of a profitable debate upon definite measures. There was other important business before the House, and he was unwilling to see too much precious time wasted. He thought it the duty of the House to refer the message to some committee who would make a speedy report upon it. If it was sent to the Committee of the Whole on the state of the Union, it would only give rise to an interminable discussion. He should, therefore, vote against the postponement, and in favor of the reference to a committee who would report the measures necessary to be adopted.

Mr. **WILDE** said, if the gentleman from Kentucky supposed the motion to postpone had been made from any wish for an opportunity to go into a discussion of the subject at the present stage, he was entirely mistaken. His object was to avoid, if possible, all debate upon it, until the opinions of the House upon the great subject which he had most at heart, should be ascertained; though at this time, he must admit the auspices in relation to that subject, appeared very threatening.

After some remarks by Mr. **WATMOUGH**,

Mr. **J. S. BARBOUR** called for the yeas and nays; which were ordered: Yeas 86, nays 104.

So the motion to postpone was negatived.

Mr. **ARCHER** moved to refer the message and documents to the Commiitee on the Judiciary. The object of the message was to bring to the attention of Congress the necessity for certain laws. If Congress concurred in the views stated, he would put it to the House whether the Judiciary Committee was not the most proper to examine and report upon the subject. He had been surprised at the proposition to refer the message to the Committee of the Whole on the state of the Union. Was that committee competent to digest and prepare the necessary measures? By such a reference every object of reference would be prostrated. The subject would be turned loose upon the wide field of debate only for the purpose of creating excitement. All that was suggested in the message as necessary, was certain additions and amendments to the revenue laws. For the purpose of reporting these additions and amendments, the Judiciary Committee was the most proper. It was not, perhaps, very important whether the reference was to a standing or select committee. Either would fully and speedily accomplish the object desired. But he hoped the reference would not be made to the Committee of the Whole on the state of the Union, unless gentlemen desired to go into a protracted debate without practical result.

Mr. **STEWART** regarded the subject as one of the utmost consequence to every State in the Union. He therefore moved its reference to a select committee of 24—one from each State.

Mr. **SPEIGHT** would vote for the reference to the Judiciary Commitee. He did not propose going into a discussion, but would only inquire as to the object in view? It was simply the amendment of the revenue laws. Why should such a subject be referred to a select committee of 24 members. They would assemble day after day, and the House would not probably get the report of such a committee for a long time. The Judiciary Committee, on the other hand, were familiar with such subjects, and would undoubtedly make a speedy report.

Mr. **IRWIN** said, the standing committees were selected in reference to the duties they were ordinarily called on to perform. He would ask if this was an ordinary subject? It was one of the very highest magnitude, and should be sent to a committee raised with express reference to it, instead of being sent to one of the standing committees. He should therefore vote against its reference to the Judiciary Committee.

Mr. **WILLIAMS** moved that the message be referred to the Committee of the Whole on the state of the Union. He had heard nothing that had altered his original opinion, as to the propriety of this reference. There were several subjects involved in the message which might be properly referred to different standing committees, which rendered it most proper to be sent to the Committee of the Whole on the state of the Union, in the first instance, in the same manner as the annual messages. It could be then properly dissected and distributed.

Mr. **CAMBRELENG** begged gentlemen to reflect that if the message was sent to the Committee of the Whole on the state of the Union, probably three weeks would be spent in debate upon it. All that was desired, was that a committee should report the necessary amendments to the present laws relative to the collection of the revenue. The whole subject was of a judicial nature. One great object was to obviate the replevin law of South Carolina, and provide for enforcing the laws of the United States. In his opinion, no course was so proper to effect this object, as the proposed reference to the Committee on the Judiciary.

Mr. **COULTER** did not feel much anxiety as to the reference of the message, but having before suggested the propriety of referring it to the Committee of the Whole on the state of the Union, he would beg leave to state one or two of the reasons for that course. He did not regard the present as an ordinary message, proper to be referred to an ordinary committee. Matters are discussed in it which go to the very foundation of Government. It expounds the rights of individuals of the several States of the Union. For what purpose was the Committee of the Whole on the state of the Union established? In order that the situation of the Union might be periodically discussed at large, without being trammeled by the rules of the House. In the days of his youth, he recollected it was common for Congress to go into the Committee of the Whole on the State of the Union, for the purpose of discussing the general condition of the public affairs. Why were the relations between the States and the General Government stated in the message except for the purpose of discussion? It was true there was an isolated case respecting the revenue laws, contained in it; but should we narrow our deliberations down to that point? It was due to ourselves, to South Carolina, and to the United States, that the whole subject should be fully discussed. After a proper discussion of principles, it would not take any select or standing committee long to embody them into a bill or bills. He was not willing to pursue any course which was calculated to stifle discussion, or avoid debate.

Mr. **BELL** said, the practical question appeared to be whether the House preferred that the general discussion should take place before or after the report of a committee. If the message was now referred to the Committee of the Whole on the State of the Union, the general principles would be first debated, and then sent to a committee to digest and report the proper measures to be taken. If, on the other hand, the message was now referred to a special or standing committee, the report would be made before the general discussion would take place. The matter under consideration, therefore, resolved itself into the question whether the general debate should be precedent, or subsequent, to a report of a definite character. Whether the reference was to a Standing or select committee was to him a matter of comparative indifference.

Mr. DRAYTON felt compelled to oppose the reference to the Committee of the Whole on the state of the Union, for the reason that it would occasion the loss of much time, when time was of the greatest importance. If the reference is made to the Committee of the Whole on the state of the Union, the subject must afterwards be sent to a standing or select committee. Such a committee would be able to exercise their sound and impartial judgment with more calmness now than in the midst of a stormy debate. Gentlemen had disclaimed the influence of excitement. Whenever specific measures should be proposed, he had no doubt but a scene of excitement would be seen such as had never been before witnessed in Congress. If excitement could not be avoided, it should at least come at a time when it would preclude the adoption of necessary measures. It had been said that means were necessary to obviate the operation of the replevin laws. He regarded such as altogether minor matters. The great subject submitted to Congress and to the people was, to devise means to prevent collisions between the powers of a sovereign State, and the General Government: to settle whether a State shall prescribe what laws shall be executed within its territory, or whether the General Government shall carry its laws into execution. No question was so important as this. It should be submitted to the attention of a committee who were not harrassed by other business. All the objection he had to the Judiciary Committee was, that they had other matters before them, while this was a subject of such primary importance as to demand the undivided attention of the committee to which it should be sent. He was, therefore, in favor of sending the message to such a select committee as would inspire confidence in their report, both in the House and the people.

The question was then put on referring the message to the Committe of the Whole on the state of the Union; which was lost without a count.

The reference was then made to the Judiciary Committee by a large majority of the House.

Mr. CLAY moved the message and documents be printed.

Mr. ARNOLD moved, by unanimous consent, that an additional number of twenty thousand copies be printed for the use of the House.

Mr. MERCER moved to amend the motion, by striking out "twenty" and inserting *twenty-five.*

Mr. ARNOLD accepted the amendment as a modification of his motion, and twenty-five thousand copies were ordered.

The House then adjourned.

Thursday, January 17.

THE TARIFF—MANUFACTURES, &c.

The following resolutions, laid on the table yesterday by Mr. Adams, coming up for consideration:

Resolved, That the Secretary of the Treasury be directed to report to this House a list of articles upon which the reduction of six millions may, for the most part, be made upon those denominated protected articles, without prejudice to the reasonable claims of existing establishments.

Resolved, That the President of the United States be requested to communicate to this House a list of articles of domestic manufacture, which are indispensable to our safety in time of war, and to which it is stated in the message of the President to Congress, that the policy of protection must ultimately be limited.

Mr. ADAMS, in illustration of the first of these resolutions, quoted the message of the President, and the report of the Secretary of the Treasury, to which the resolutions refer. He observed that the message took for granted, that there were particular interests in this country, the protection of which exceeded that which was necessary in order to counteract the legislation of foreign nations. This was assumed; and it was also assumed that the diminution of the existing protection was the policy which it was the duty of Congress to pursue. Now, the reduction of the revenue was one thing, and the reduction of protection was another; the former might be effected without the other; and it was the desire of a large part of the American people, that, in reducing the amount of revenue, the protection of our domestic industry should remain untouched. Such, however, had been the recommendation of the President; and it was followed by an argument as to the degree of protection which was due to manufacturers, in which the principle was assumed that the protection of those manufacturers was, in its very nature, temporary; that it was accorded as a favor, and was intended to continue only until they should be permanently established; and the President came at length to the conclusion, that the protective policy of this country must ultimately be limited to articles of indispensable necessity, and necessary for our independence in time of war. This principle was, in its character, revolutionary; it differed from every thing that had ever been heard before; and if the House should adopt it, and, in compliance with it, proceed to the reduction, not of revenue, but of protection, and terminate with the total withdrawal of all protection whatever, save to articles of the description mentioned, then it was of extreme importance to the House to know what those articles were which were of indispensable use, and necessary to the independence of the nation in time of war.

The other resolution had reference to the report of the Secretary of War. The two resolutions were much connected, although one of the resolutions referred to the message, and the other to the report. [Here Mr. A. quoted the report of the Secrerary.] There was some little difference between the views of the President and those of his officer, so far as they had a practical bearing. The Secretary seemed not to be prepared to abandon totally all protection whatever; the tenor of his argument, on the contrary, seemed to indicate that he was in favor of sustaining it as far as practicable. He seemed to admit that the interest of the nation required a permanent protection against the legislation of foreign nations, and that it was not to be gradually withdrawn until it should be totally done away.

The Secretary thought the revenue might be reduced six millions of dollars, without prejudice to the reasonable claims of existing establishments. It was of extreme importance to the House to possess the information how this might be done. If it was indeed possible that a tariff could be formed on the principles stated by the Secretary of the Treasury, all the difficulties under which the country labored was at once solved. They need hear no more of nullification; they need listen to no more such messages as had been read yesterday; they would hear nothing more of proclamations and counter-proclamations; all would be peace and harmony. But, really, without further information from the Secretary, Mr. A., for one, was totally ignorant how it was possible to reduce the revenue six millions without prejudice to the just claims of existing establishments. The bill now before the committee did not even profess to do any such thing. It did, indeed, profess to reduce the revenue six millions of dollars, but it was very far from doing so "without prejudice to the just claims of existing establishments." So far from it, that the committee had been driven to introduce a clause into the bill to increase the imposts. Indeed, the title of the bill should have been—"A bill to reduce and to increase the duties on imported articles." And it was extremely doubtful whether the bill would, in fact, reduce the revenue at all. But the effect of the reduction proposed would have an effect very different from that referred to by the Secretary. Instead of not working any prejudice to existing establishments, it wrought their utter ruin and destruction. Mr. A., for one, wanted to know what these articles were; and he wanted also to learn what those articles were, which, being in the view of the President essential to our independence in time of war, and which alone were ultimately to be exempt from having all protection totally and forever withdrawn.

Mr. HOFFMAN said he had given some consideration to the resolutions offered by the gentleman from Massachusetts, though he believed they had both been strangers to the House until the day before; and he was convinced that if they were viewed as to their practical tendency, they could not possibly do any good, and might, by possibility, work considerable mischief, certainly the mischief of unnecessary delay.

The first resolution called upon the Secretary of the treasury, not for a scheme of all those articles on which it was desirable that the reduction of revenue should be made, but only those on which protection might be diminished without prejudice to the just claims of existing establishments. Now, if the Secretary should reply to this call directly, what would probably be his answer? Perhaps he would say that those articles were wool, woollens, cotton, iron, iron manufactures, spirits, salt, sugar, and a few others.

He would give this list, without specifying any duty which he recommended to be imposed upon each; for the gentleman took care not to call the Secretary's views as to the system collectively. Now what use would such an enumeration of articles avail for any purpose of legislation by that House? It would amount to nothing more than an enumeration of what were commonly denominated "protected articles." Was there any man in that House who did not know what these articles were? Was there any who could not, in a few minutes, make a list of them all? A direct, unequivocal answer to this call would, therefore, be utterly useless; it might, perhaps, furnish a peg to hang a speech upon, and might possibly supply some ground on which to rest a complaint against the Secretary; but how would it aid the House in deciding upon the best mode of laying the taxes so as to render them as equal and as little oppressive as might be practicable? To this end it could be of no use whatever.

But if, contrary to the true intent of the resolutions on the face of them, it was intended to ask the Secretary for a plan or a bill which should cover the whole ground, then he asked the House to look at the effect that must follow. The resolution, in this sense, asked for the opinion of the Secretary, not for facts in his possession; and was it usual for that House to ask the opinion of one of the departments on great and complicated questions? And if it had, was it common in the House, after it was already deeply engaged in the discussion of a subject, to arrest the course of the debate, and apply to a Secretary for his personal opinions? Mr. H. thought not; he thought that it was for that House to rejudge the judgment of every department. As to the facts on which the Secretary founded his opinions, they must be such as were in possession of the members of that House generally, or such as he had selected in answer to a call of the House. Now, as to general information, the Secretary's opportunities to acquire it might be, and doubtless were, better than those of any particular member of the House; but that this officer alone possessed a larger aggregate amount of knowledge than belonged to the whole House, collectively, was what he could not subscribe to. Highly as he regarded the opinions of the Secretary, he could not believe that they ought to outweigh the judgment of the whole House of Representatives. He was willing to take the Secretary's views in aid of his own, but he did not consider it respectful or dignified for the House to go to him for his opinions. But, as to the other facts to which he had referred, they were no longer in the Secretary's possession, but had by him been transmitted to the House.

But, being aware of the very great solicitude of the gentleman from Massachusetts, he had felt it his duty to make personal inquiry of the Secretary as to his opinions and views on the subject of the resolution, and he was authorized by that gentleman to say that he had given to the bill now pending so much consideration as his public duties would permit, and that, in his judgment, the bill, as it came from the Committee of Ways and Means, would furnish to all existing establishments such adequate protection as he supposed them to deserve; and if the Secretary's opinion was the object sought by the resolution, he hoped that this reply would be satisfactory.

At this point of the discussion Mr. CLAY, of Alabama, called for the Orders of the Day, and the House thereupon went into the Committee of the Whole on the state of the Union, Mr. Wayne in the chair, and resumed the consideration of the

TARIFF BILL.

Mr. McKENNAN, of Pennsylvania, having the floor, rose and said, he felt that it was no enviable task to enter upon the discussion of a subject, which had already occupied so much of the attention of the House at the last and present session of Congress, and which might be considered as almost entirely exhausted, in all its bearings, and in all its arguments. Nothing (said Mr. McK.) would induce me to throw myself upon the indulgence of the committee, but a consideration of the immense magnitude of the question to be determined, and the all-important influence, either for good or for evil, which its decision will have upon the interests of my constituents, of my State, and of my country.

Sir, if there be any one subject upon which there has been a perfect union of views and of action, among the people of the State from which I come, it is on that of the protective policy. In their private circles, in their primary assemblies, in their legislative bodies, and in their Executive messages, the people and their Representatives have held one uniform language, and that is—"protect the industry of our own country; encourage the laborer, the farmer, the mechanic, the manufacturer of our own country, in preference to the laborers, the farmers, the mechanics, and the manufacturers of other countries." Whatever may have been our political differences and our political preferences, men of all parties have fought unitedly and manfully in support of this system. I cannot, therefore, sir, sit by in silence, and witness the prostration of a system which is interwoven with the best interests of my State, and which has raised this nation to an elevation of strength and independence, of wealth and prosperity, which has been a source of pride and exultation to our citizens, and has extorted the admiration of the world. Against the overthrow of this system I feel constrained by an imperious sense of duty to raise my voice, under the hope that an effort, however humble, may do something to stay the arm of the destroyer, and to arrest the impending calamity. This, then, will be my apology for troubling the committee at this time, and I pledge myself that I will not trespass long upon their patience.

Sir, the protective policy has been recognized as the true policy of the country ever since the foundation of the Government. Almost the first act of Congress, which was passed after the adoption of the constitution, was entitled, in part, "An act for the protection and encouragement of manufactures."

The essential importance of this policy to the wealth and independence of the nation early attracted the attention of the father of his country, who was always alive to every thing which was calculated to promote its best interests; and who, in his Executive messages, pressed upon Congress the promotion and encouragement of it, with all the solicitude he felt for the future glory and prosperity of that country. In this his efforts have been seconded by all the distinguished men who have since filled the Executive chair down to the present period; each and all of whom have, in some form or other, advocated and maintained, encouraged and enforced it, as the only true policy.

It is not my intention to fatigue the committee with a recital of the authorities (which are abundant) to support this position. They have already been arranged and brought before the House in so handsome a manner by the gentleman from Massachusetts, [Mr. BRIGGS,] who, a few days since, so eloquently addressed us, that it would be an unnecessary waste of time for me to be repeating what he has so much better said than I could expect to do. I will not do it.

But, sir, lamentable, dear bought experience during the last war, demonstrated the necessity, if we would not be dependent upon our very enemies for the munitions of war, and even the clothes of our soldiers, of bringing our workshops from Europe, and of aiding American enterprise in every branch of labor, so as to enable our own citizens to raise and manufacture within themselves all the necessaries of domestic consumption. This demonstration led to the passage of the law of 1816, which was enacted as well for protection as for revenue. As a measure of protection to home industry, it was urged upon Congress with all the zeal, and eloquence, and ability, which its advocates could command. Among these advocates, sir, were to be found some of the most talented and patriotic Representatives of that very State which now threatens to dissolve the Union, because a large majority of the people will not consent to the sacrifice of a system which was fixed upon them in part by their influence and exertions, and which they believe has promoted the best interests of the country. And among those talented sons of South Carolina, none more ably or more successfully advocated this principle of protection, than an honorable gentleman who now holds a distinguished rank in the councils of the nation, and who will hold a conspicuous place in the pages of the future history of his country. And let it be borne in mind, sir, that this system was fixed upon the nation by the votes of the Southern and Middle States, against the views, the appeals, and the remonstrances, of our brethren of the East, who were then engaged, profitably and extensively engaged, in the pursuits of navigation and commerce. Those pursuits they were compelled for a time to abandon; but such is the elasticity, activity, and enterprise, of that people, that they soon directed their capital and industry into the channel pointed out by the legislation of their country; and with what success they have applied their energies is attested by the unequivocal evidence which their flourishing villages, their highly cultivated farms, and their busy factories and workshops exhibit, of their unexampled growth and prosperity.

Eight years of actual experiment satisfied the people, and their Representatives, that the protection afforded our manufacturers by the law of 1816, was insufficient to enable them successfully to compete with foreign capital and skill, and with the pauper labor of Europe, and determined them to carry out the principle of that law, by giving to the labor and enterprise of our citizens, efficiency, ample encouragement, and protection. This determination produced the enactment of the laws of 1824 and 1828, which did afford to our farmers, mechanics, and manufacturers, all necessary protection and encouragement. Believing, then, the policy of the Government to be settled, fixed, and permanent, as evidenced by these various acts of legislation, hundreds, yes, thousands of millions of dollars have been vested by the people in the establishment of manufactories, and in the growth and culture of the raw material consumed in them throughout the country—the whole of which, there is too much reason to fear, will be sacrificed, if the bill reported by the Committee of Ways and Means, now under discussion, shall be adopted by Congress.

And now, Mr. Chairman, permit me briefly to inquire what have been the practical operation and effect of this system upon the interests and upon the prosperity of the country? Commerce, contrary to the anticipations of its enemies, has flourished—the mechanic arts have been encouraged—the laborer has experienced a greater demand and higher wages for his labor—the farmer has been secured a steadier and a better market for his produce—the planter of the Southern States has prospered—the manufacturer has prospered—the whole country, and all its parts have prospered, not excepting the very State which is now so loudly and so boldly presenting its complaints; whose flourishing condition is exhibited in the most glowing colours in the last annual message of her Executive; and besides all this, sir, under the operation of this very system, will shortly be exhibited to the world the extraordinary and astonishing spectacle of a nation of better than twelve millions of people, free of debt.

Sir, a system which has been fraught with so many benefits and blessings to the nation, ought to be touched with care, with delicacy, and with caution! Whilst the extinguishment of the public debt will be hailed by our citizens as an era of exultation, and of mutual congratulation, it is apparent that its approach will not be unattended with its difficulties, embarrassments, and dangers. It is conceded, that when that era does arrive, there must be some modification or alteration and reduction of the duties heretofore imposed upon imports, in order to prevent the accumulation of a surplus revenue in the treasury, above the amount necessary to discharge all the expenditures of the Government; and how this is to be done, without endangering great and important interests, is a question of no ordinary difficulty. In anticipation of this event, a bill for the reduction of the duties was passed at the last session of this Congress. At least four months were occupied in preparing, maturing, and discussing the merits and the provisions of that bill. In it great and important concessions were made to our brethren of the South. The minimum system which has latterly become so obnoxious to them, was abolished. "Those articles principally necessary for the maintenance and clothing of the laborers of the South and Southwest, were, to a certain degree, relieved; and, both by its direct enactments, and as incident to its main scope, it encouraged and increased consumption of such articles as depended for their fabrication upon the raw materials and productions of the South." It is now before the people as a matter of experiment. The time proposed for its going into operation has not yet arrived. What will be its effect upon the revenue, and (what I consider of greater importance) what will be its operation upon the industry of the country, cannot be known or ascertained. No experience of the past can enable us to determine, and no man, unless he possesses the spirit of prophecy, can tell.

With this law, then, on our statute book, as yet inoperative, why are we now driven with an urgency which will not admit of a month's, a week's, an hour's delay, into the passage of another bill of reduction, which, with all due deference to the committee who reported it, may, in my view, be better denominated a bill for the prostration of domestic industry. Where is the imperious demand for this precipitancy in the passage of a bill, which involves in it the most vitally important interests of the country? Have we heard a voice, sir, from home—from our constituents—thundering in our ears, and demanding the immediate reversal of the act which we did, with so much deliberation, not six months ago. Where is it? Has any one heard it? Yes, my honorable colleague from the Pittsburg, district has heard one, the size and volume of which I shall hereafter notice. But, I put it to gentlemen, have the people expected this movement of haste? Did they ever dream that the subject would be touched at this short session of Congress, and too, to the exclusion of all the other business of importance on our calendar? I can speak for myself, and do not hesitate to say that, among the community generally, no such expectation was entertained. Many millions of the people have not yet had time to know the nature and provisions of the bill under discussion, or that the question is now again agitating on this floor. We can find no excuse then, sir, for this precipitate action, in the wishes or instructions of our constituents.

But, perhaps, sir, some excuse may be found in the fact of the present overflowing state of your treasury—that this so much dreaded surplus is already there, and that the distinguished head of that department has recommended and urged upon Congress an immediate reduction, according to the views presented by the committee. Let us briefly examine into this, and learn what the Secretary says on the subject. In the seventh page of the Treasury Report, he uses this language: "Still firmly convinced of the truth of the reasons then presented, for a reduction of the revenue to the wants of the Government, I am again urged, by a sense of duty, to suggest that a further reduction of six millions of dollars be made, to take effect after the year 1833. Whether that shall consist altogether of a diminution of the duties on imports, or partly of a relinquishment of the public lands as a source of revenue as suggested, it will be for the wisdom of Congress to determine." Again, in page 10 of the report, he says: "By these considerations, and the proud and gratifying fact, that there no longer exists any public debt, requiring the present amounts of revenue after the ensuing year," &c.

Thus you perceive, sir, that the head of the financial department asks not, and recommends not, any immediate reduction. But let us see what the committee have said on the subject. In the second page of their report, they use this language: "This excess, in the opinion of the committee, should be reduced by the present Congress, and at the present time;" and, in accordance with this view, their bill contemplates a reduction after the 3d of March next. Your Secretary advises no reduction till after the present year—they say now is the time, and the only time for action. Your Secretary asks us to give him the means of paying off the seven millions of outstanding debt. They say that debt is already paid, or, what amounts to the same thing, they assume that it is extinguished by the stock held by the Government in the Bank of the United States; and now let me ask, sir, where do they find any authority for such an assumption? Has any act been passed by Congress, directing this stock, which yields the Government seven per cent. dividends, to be thrown into market, and sold at a sacrifice, as in all probability it must be, from the overstocking of the market, in order to discharge a debt, drawing from the treasury an interest of only four and a half, and five per cent.? Has there been any movement in Congress towards a measure of this kind? There has been none, and I hope there will not be. That stock will unquestionably be equal to par, at least, if the bank is permitted to wind up its business in peace, and without any unnecessary embarrassment thrown upon its operations by the Government. Whereas if six millions of stock should now be thrown into market, it must create a panic among capitalists, and no man can tell what it will command. To my mind this would be the most unwise, imprudent policy in the world, and I hope it will not be adopted.

But, again, in forming the basis of their calculation, the committee have embraced the proceeds of the sales of the public lands, as part of the permanent revenue. Now, sir, can we close our eyes to the fact, that, at the last session of Congress, a bill passed the other House, and that its consideration in this was postponed, by a very small majority, for the distribution of the annual proceeds of the public domain among the different States, according to their population, to be applied to the purposes of education, internal improvement, and colonization, and to the payment of debts contracted for any of those objects. Are we not aware, that that bill is again before the Senate, and may possibly now be on its passage? Are we not aware, too, sir, that the recommendation has come from high authority, to reduce the price of those lands to a point barely sufficient to raise enough from the sale to defray the expenses of the land system, and, after some time, to give them away to the new States within whose limits they lie? Can we doubt, sir, from the indications we have had, that some disposition will be made of those lands, by which their proceeds will be withdrawn from the treasury? And if so, how can the committee—how can we be justified in founding a permanent system of revenue on any such basis? Take away this item in the calculation of the committee, and you deprive them of two millions and a half of the revenue, which must be made up in some other way. And, whilst on this subject, let me call the attention of the committee of the House to the fact, that in giving the estimated expenditures of the Government, in one single item, they have made a mistake of at least half a million of dollars. I allude, sir, to the sum which will be necessary, annually, to discharge the debt of gratitude and of justice to the soldiers of the revolution, which was authorized and directed by the act of the last session. Their estimate is, that no more than one million of dollars will be required for this purpose. This is merely conjectural; and since their report was made, a document has been laid upon our tables from the War Department, which proves that, in all probability, one million five hundred thousand dollars will be required for that purpose, in addition to the million of dollars which are required to discharge the accruing pensions, under former laws.

But I will not pursue this subject any further. The report upon the finances, by the Secretary, exhibits no surplus in the treasury at this time. Take from it the amount of ineffective funds, consisting of worthless paper received many years since, when the Government was under the necessity of transacting its business through the medium of the broken State banks, and the amount of funds received from foreign nations, as an indemnity for spoliations upon the property of our citizens, which belongs to them, and not to the Government, and there is now an actual deficiency. If the proceeds of sale of the public lands should be withdrawn from the treasury, either by distributing them among all the States, according to the views of some, or by reducing their price, and finally giving them away to the new States, as is urged by others, there is no probability of this surplus accumulating in the treasury for years yet to come; at all events not until after the actual relinquishment of the public debt.

But again, sir, let me ask what imperious necessity demands a present, immediate, precipitate reduction as recommended by the committee? And let me answer this inquiry by proposing another. Have the committee taken counsel of their fears? On this subject I mean to offer no disrespect to the committee, or any member of it, or to any member of this House, but I intend to speak the language of a freeman, and of the Representative of freemen.

What, then, is the state of the facts which have probably dictated this movement? They have been officially announced to us in the message of the President, and are spread before the people; we cannot close our eyes upon them. A single State of this Union has raised her puny arm against the power of the Government. I use this term, sir, not with any view of disparagement or insult to the State which has thought proper to place herself in this attitude. But the arm of any single State, of any six single States, is puny and powerless, when raised against a Government founded upon the affections of the people, and which has strength enough to crush into nothingness any forcible opposition to the enforcement of its laws, from whatever quarter, or from whatever persons, it may proceed.

South Carolina has placed herself in an attitude of hostility against the Government. She has pronounced your laws unconstitutional, void, no law, and has declared that they shall not be enforced within her limits. Is this the time, then, sir, for deliberation, for cool, deliberate, dispassionate discussion of a subject involving the permanent change of a system which has raised the country to a point of unexampled prosperity, and which, in its overthrow, may involve millions in ruin and wretchedness? Can it be expected that we will be driven by the menaces of South Carolina, to recede from the ground we have taken, to abandon the policy, and the very principle of protection to American enterprise and American labor? For she has proclaimed to the world that she will be satisfied with nothing less than a total, absolute, unqualified abandonment of the principle. Sir, she asks too much, and I, for one, am prepared to say that I cannot, will not, grant it. The bill upon your table, sir, destructive as I consider it to be to the interests of the Northern, Middle, and Western States, would not satisfy her, for it asserts, in form, at least, the principle of protection.

I hope with all my heart, sir, although I confess, from present indications, it seems to be hoping against hope, that she may recede from the fatal ground she has assumed. The universal voice of condemnation which has been heard from one extreme of the Union to the other, from each and all of her sister States, ought to satisfy her that she has gone too far. But, sir, if she refuses this advice, and will persist in her career of madness, we must meet the crisis, and meet it like men, with forbearance, but with firmness. In the humble part which I have to act, I shall endeavor, fearlessly and firmly, to discharge my duty to my conscience, my constituents, and my country, and leave the consequences to that superintending Providence, who, I hope and trust, will deliver us in this time of difficulty, of distress, and of danger.

But, sir, I dismiss this part of the subject; neither the voice of our constituents, nor the state of the treasury, demands action at this time; and the state of the country, and a regard for the future peace, safety, and permanency of the Government seem to forbid it.

Before entering upon an examination of the features of the bill, let me notice the remarks submitted by my colleague, who is a member of the Committee of Ways and Means, and who joined with the majority in reporting it to the House. Let it be remembered, that he is the first member of the committee, (with the exception of the general remarks made by the chairman when the bill was brought up,) or of the advocates of the bill, who has broken the silence of death, which, for some cause or other, has sealed their lips. I am glad he has done it. His constituents and the country would, I am sure, expect some explanation of the reasons, no doubt satisfactory to himself, which have dictated the course he has adopted.

My honorable colleague, sir, represents one of the greatest manufacturing districts in the United States; a city which is the Birmingham of America, whose very life and prosperity depend upon the continuance of the policy of encouragement to home industry, and whose wants and demands contributed more to the establishment of the high tariff of 1828, than the wants and demands of any other section of the country. He, too, has, heretofore, fought shoulder to shoulder with the gentleman from Connecticut, [Mr. INGERSOLL,] on the Committee of Ways and Means, in support of the system, and no longer since than last year, joined that gentleman in presenting to this House one of the most lucid, masterly, and eloquent refutations of the anti-tariff doctrines, which I have ever seen or read. But he has now changed his views and course, and what are the reasons assigned for this change? In answer to an inquiry propounded by me, he says he has received instructions from his constituents on the subject: and what are these instructions? He has received letters from his friends; how many he has not told us, advising him to moderation and concession, and to save the Union; but do these letters recommend this moderation and concession at the sacrifice of the interests and wealth of the great majority of the people of this Union? And, if so, can my honorable friend undertake to say that they speak the language of the majority of his district? That district, sir, consists, I think, of three large counties, and must contain nearly one hundred thousand inhabitants. There are thousands, yea, tens of thousands of those very constituents, who have not had time to learn that the subject is now again agitating before Congress, or what are the features and provisions of the bill under discussion.

Again, sir, my honorable colleague avows himself in favor of the constitutionality and the expediency of the protective policy; but expresses the opinion that all the great manufacturing interests are sufficiently protected by this bill; and upon what evidence is this opinion founded? To prove the fact that the article of iron has sufficient protection, he has resorted to a letter written—by whom? by one of the intelligent, experienced, and respectable manufacturers of our own country? No, but by the British minister, who complains of the unfavorable operation of the discriminating duties, not upon our labor, but upon the manufacturers and dealers of his own country, and who would rejoice in the ruin and destruction of every manufacturing establishment in the United States. Is this the kind of testimony which is to be laid before an American Congress, to satisfy them of the nature and amount of protection which ought to be given to our own citizens.

But, again, in order to show that the woollens and cottons are sufficiently protected, he has read extracts from the testimony of several witnesses, taken before the Committee on Manufactures, in 1828, previous to the passage of the law of that year. What was the character and standing of the witness who thus deposed, I have no means of ascertaining; one of them, it is certain, failed within six months after his examination, to the amount of about one hundred thousand dollars; and how many more of them were bankrupts I cannot tell. But, sir, there is one thing certain, and this alone is a sufficient answer to my colleague's allegation, that this very evidence, with a mass of other testimony, was before Congress in 1828, who, from the whole weight of the testimony, were perfectly satisfied that the protection to those interests was totally insufficient, and who, with a view of giving adequate protection, passed the law of that year.

But, sir, my honorable friend indulges in the cry raised by the enemies of the system of "taxation burdens upon the people; that, after the payment of the public debt, they will not submit to those burdens," &c. &c. The gentleman comes from the same region of country with myself, and he will permit me to propound to him a few plain, simple questions upon this subject. Has he ever heard the people of the West complain about taxes? the oppressive burden of taxation by the General Government? Since the system of protection has gone into successful operation, have not the people been able to purchase all necessary articles of consumption, their cloths, calicoes, cottons, nails, &c., at a cheaper rate, and of a better quality, than they ever could before, or ever can again, under the system of free trade? Has not the ability of the people to pay for these articles been increased? Does not the laborer receive higher wages and more constant employment? Has not the farmer a steadier and better market for his produce, his wheat, flour, cornbeef, pork, and every thing which he raises? Where, or how, can the people be borne down with taxes by this system, if they are more able to purchase, and if the articles to be purchased are to be procured of an improved quality, and at a reduced price? The allegation is fallacious, illusive. But on this subject I have an authority, which will, I know, be satisfactory to my colleague. In the report of the minority of the Committee of Ways and Means, to which I have already alluded, he uses this language, as to the effect of the system upon the cotton and cotton fabrics: "The establishment of cotton mills in our own country has, unquestionably, increased the demand for the raw article raised here. Goods have become cheaper, the price is but about one-third what we paid formerly, when the fabric was 'freely' imported, and the consumer consequently buys more, because he can procure more with the same money."

Sir, the concluding paragraph of that report portrays in such true and eloquent colours the evils, embarrassments, and distresses of the people, under the operation of "free trade," and the new life and vigor which was infused into the body politic by the adoption of the system to protect our own labor, that I cannot deny the committee the gratification of hearing it read, and, after reading it, I will leave my colleague, and pass to a brief examination of the features of the bill. [Here the Clerk read the paragraph.]

"Upon the whole, then, the minority are decidedly of opinion that the protective system is interwoven with the best interests of the country. The experiment of free trade was fully tested from the peace of 1783, to the adoption of the constitution in 1789. We were then without any general power to impose duties on foreign merchandise, or to adopt measures to countervail injurious regulations. We then submitted, for we could not avoid it, to such selfish regulations as were imposed on commerce and navigation by the laws of foreigners. They did then, as they strive to do now, secure to themselves all the advantages and profits of trade, cramping our enterprise and neutralizing our labor so effectually, that nothing but the murmurs of discontent were heard from one extremity of the confederacy to the other. The country was filled with foreign goods, while it was drained of its specie to pay for them. The pressure of debt was every where felt, and the inability of the people, by the most laborious exertions to save themselves from the downward course, was every where acknowledged. The courts of law were filled with suits; the hands of the sheriffs were filled with executions; and the earnings of a toilsome, economical life, vanished like the vapors of the morning. The people were filled with dismay, and almost began to think if these were the fruits of liberty, they had achieved the revolution in vain. They were not, however, slow to discover the cause of this distress. It was what is now denominated free trade, a trade regulated by the monopolizing laws of other countries, which turned the hard earnings of our working men into the pockets of foreigners. They saw that the only remedy which could be effectual was the establishment of a Government of their own, with power to countervail these monopolies, and give to our labor its appropriate rewards—the fruits of its own earnings. It was this season of calamity that gave birth to the constitution, and established the Government; and who can, without emotions of gratitude, without the most profound veneration for the wisdom of our fathers, contemplate the change which followed? The petitions to the first Congress, already alluded to, spoke a language which could not be misunderstood, and the first acts of that patriotic assembly applied the remedy to the all-pervading evil. It was an act to encourage labor; an act to countervail the injurious operations of foreign laws; an act which reanimated the dying system of the body politic, infused into it new life, new vigor, new courage; and from that time we may, in truth, be called a prosperous, happy, independent people."

R. J. INGERSOLL,
JOHN GILMORE.

The gross and palpable inequalities of the provisions of the bill upon the different interests embraced in it, have been so fully shown by the gentleman from Connecticut, [Mr. Ingersoll,] and others who have preceded me in the debate, that I will repeat as little as possible what has already been said on the subject.

There is, however, one view which I wish to call to the attention of the committee. In their report, the Committee of Ways and Means recognize the principle, that there are some articles of manufacture "essential to our independence in time of war," which ought to be protected by higher duties than others, and which "demand some sacrafice in time of peace." In this, they and the Secretary of the Treasury have carried out the views expressed by the President of the United States, in his last annual message, in which he says: "Those who take an enlarged view of the condition of our country must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is recommended by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support."

From these general views, sir, of the Chief Magistrate, the Secretary of the Treasury, and the Committee of Ways and Means, I am not disposed to dissent; and the only remaining inquiry is, what are those articles, "essential to our independence in time of war," which ought to receive efficient protection? Here, sir, I do not intend to detain the committee with the expression of my own views and opinions on this subject, but to lay before them an authority which will no doubt have great influence with a majority in this House and in the nation. I refer to the opinions expressed by the present Executive, in his celebrated Coleman letter, before his elevation to the high office which he now holds, and at a time when there was a great anxiety to know what were his views upon the great and important questions of national importance which were then agitating the public mind. I am aware, sir, that this letter, taken as a whole, has been considered as somewhat equivocal in its character; but, on the subject to which I am now directing the attention of the committee, it is clear, unequivocal, and decided. Hear his language: "He (Providence) has filled our mountains and our plains with minerals; with lead, iron, and copper; and given us a climate and soil for the growing of hemp and wool. These being the grand materials of our national defence, they ought to have extended to them adequate and fair protection, that our manufactures and laborers may be placed in fair competition with those of Europe, and that we may have within our own country a supply of those leading and important articles so essential in war."

Thus, sir, has the President put a name upon those articles which he deems to be essential to our safety and independence in time of war. To this list he might have added the article of cotton; and the omission may probably be attributed to the fact, that, at that time, it was sufficiently protected. And now, what are the views of the Committee of Ways and Means on the subject? Iron, with them, is the only favorite article which is indispensable to secure the independence of the country in time of war. Now, sir, I admit that it is of essential importance that this article should be protected, and well protected; and, from the best information I can obtain, the protection proposed by this bill would be totally inadequate. Without guns, and the munitions of war, it is certain that the country cannot be defended. But can it be that this is the only essential for that purpose? Is it not as important to render the soldiery efficient, to have them well clothed, and thus protected from the inclemency of the weather, and the exposure of the camp? Is not the soldier's blanket as essential an article as his gun? How can we, then, boast of our independence of foreign nations, if we have to be dependent upon them for this article of prime necessity? And how can we be independent, if we have to draw from foreign nations the raw material out of which those articles of prime necessity are to be manufactured?

Sir, the district whose interest I have the honor to represent on this floor, is purely an agricultural and wool-growing district. My constituents, since the passage of the law of 1828, and under the faith that the Government would continue an efficient protection to every branch of domestic industry, have become largely engaged in the culture of sheep, and have vested in it an immense amount of capital. By care, industry, and economy, those engaged in the business have, thus far, under the protection their industry has received, been enabled to realize a fair and reasonable profit upon their labor and their capital, and no more.

If this bill is adopted, I venture to affirm that, as sure as the sun shines in the firmament, this important branch of American industry must go by the board, and the capital vested in it sacrificed and destroyed. How can it be otherwise? The duty upon this article, under the existing law, is four cents per pound, and fifty per cent. ad valorem; and, even under this high rate of duty, large and extensive importations of the article are made from Europe. In the year 1831, no less than about six millions of pounds were imported. Strike down the duty then immediately to fifteen per cent., which is almost, on the cheap sorts of wool, no duty at all, and how is it possible that our wool-growers can stand against the competition of foreign nations, where, from the density of their population, the carcasses is the primary object in demand, and the fleece merely secondary? They cannot do it. But sir, the committee propose to let them down gradually; not to put their sheep immediately to the knife, but expose them to a lingering and languishing disease and death.

This, sir, will be a poor, miserable consolation to the owners of the flocks; it is cruelty in the extreme.

These things, I say, sir, in the face of the opinion expressed by the Secretary of the Treasury, that this branch of industry needs protection no longer. The evidence upon which he has founded this opinion is no doubt satisfactory to himself, but, unfortunately for the friends of this interest, the documents relating to the subject have not yet been printed, and we have had no opportunity of learning the nature and character of that testimony, or where and from whom it was obtained.

Sir, the county from which I came is, I believe, more extensively engaged in the growing of wool, than any other county in the United States, with the exception of Duchess, in New York. The character of its wool, in the Eastern market, is not surpassed by that from any other region of the country. In this business are engaged gentlemen of great intelligence, integrity, and experience, who would have most cheerfully answered any interrogatories propounded to them, as to their capital invested, and the average profits upon their care, capital, and labor. Their answers would, I am satisfied, have brought the mind of the honorable Secretary to a different conclusion, and have convinced him that any material change made in the protection now afforded, will paralyze the energies, and, in all probability, sacrifice the interests of those engaged in this branch of industry. And, sir, were this work of destruction to stop with the sacrifice of the capital invested under the invitation of your legislation merely, whatever reason those who have thus made their investments might have to complain of the cruelty and injustice of their Government, still it would be tolerable. But unfortunately, sir, for the great agricultural interest of the country, this will not be the fact. So sure as effect follows cause, the price of produce must fall, and the depreciation of the price and value of lands must follow the reduction in the price of produce. If the immense bodies of land which are now covered with sheep, should, from necessity, be converted to the purposes of raising grain, and other agricultural products, how could it be occupied in such a way as to yield to the farmer a reasonable remuneration for his labor? Where will the farmers of the grain-growing States be able to find vent for the millions of barrels of flour, and other breadstuff, which must be forced into an already glutted market? Now they have a constant, regular, and increasing market at home; but, prostrate this system of protection to home industry, and where is there an opening in the foreign world for a single barrel of American flour? There is none; the markets are all already occupied and glutted.

But, sir, why has the discrimination been made in the bill in favor of the iron interest? Why are some kinds of this article to be protected with a duty of seventy-nine per cent., whilst woollen and cotton fabrics are protected with the trifling duty of twenty, and the interests of the wool-grower by the nominal duty of fifteen? I impute no improper motives to the committee; but for what reason was this discriminating principle adopted? Was it to render the obnoxious features of the bill palatable to the people of Pennsylvania? Was it by gilding the bitter pill to induce them to swallow it? If these were the views entertained, let me tell gentlemen they will find themselves egregiously mistaken. Pennsylvania supports the system as a whole, and in all its parts. She knows, that if a single interest in the protective system is laid low, no part can stand; that if a single link be stricken from the chain, the whole must go.

Again, sir, why is the proposition made by the committee to impose a duty of about thirty per cent. on teas and coffee, which, by the law of 1832, are to be imported free? They enter into competition with nothing which is either the growth or manufacture of the United States; their free importation would affect no branch of American industry; they have become necessary articles of consumption; they are not luxuries, only for the palate of the rich, but are to be found in the family of almost every freeman in the Northern, Middle, and Western States. Why, I ask, impose a duty upon those necessaries of life which can come in competition with nothing of American growth or manufacture? The reason is so obvious and glaring, that he who runs may read it. A death blow must be given to the manufacturing, mechanic, and agricultural interests, by reducing their protection to twenty and fifteen per cent This process, whilst it has the effect of prostrating American industry, will not bring money enough into the treasury to supply the wants of the Government; and, therefore, it is that the committee propose to make up the deficiency, by levying a duty upon the beverage of every poor white man in the country.

But, sir, let us look a little further into the provisions of this bill, and see their justice and equality. Whilst, as we have seen, the labor and capital of the industrious freemen of the Northern, Middle, and Western States are to be protected by a duty of fifteen per cent., what is the protection extended to an article of Southern production; an article grown by slaves? I allude to the article of tobacco. Upon it, sir, is imposed a duty of thirty-three per cent., which amounts to a duty of prohibition. I am aware, sir, that it is intimated by some of our brethren of Virginia, who are now opposed to the whole protective system, that they care not for this item of protection, and that they would have no objections to its being expunged from the bill; that they now actually export the article, and regard the protection as merely nominal. Now all we have to say, in answer to those gentlemen, is, that this branch of your industry has been protected by a prohibitory duty for forty years, till it has acquired a strength which defies the competition of the world; and all we ask, is, that our interests may receive something like an equivalent protection for two-thirds of that period, and we will be satisfied.

But, Mr. Chairman, I have done. I feel that I have detained the committee too long, and will conclude by expressing a hope that the amendment offered by the gentleman from Connecticut will be adopted, and the bill rejected.

Mr. ROOT, of New York, followed. He said he did not suppose that the bill now submitted to their consideration was originated with any view of altering the system of protective policy, which, it seemed, was established in this country; its origination in the present session was, unquestionably, owing to the organized, and, if they pleased, legal opposition offered by one portion of the country against the collection of revenue under the tariff laws of 1828 and 1832. Unquestionably the bill before the House was introduced for the accomplishment of the purposes recommended by the President at the opening of the session, and with a view to conciliate, if possible, their Southern brethren, and to induce them to stay their hand in opposing the laws. This bill, then, whether regarded as an act of justice, or as a sacrifice offered up on the altar of their country, was certainly a laudable measure. As an act of justice, he was willing to support it. He had ever believed, and he still believed, that the imposition of taxes, by way of duties on imports, further than was necessary to meet the just demands of the Government, was both oppressive and unjust; and that to lay such duties, was to take from one citizen for the purpose of giving to another. If the duty were laid merely by way of protection, somebody must be the loser, and it must be done for the benefit of somebody who was to be the gainer by it; because, the world was made no richer by the imposition of these duties; they accumulated no additional wealth in the world; they brought no additional treasures into the nation; they could not do so, because they were not creative in their effects. They had this effect, and they could have no other; they made the price for a given article, purchased from the American manufacturer, higher than it would be if no such duties existed. It was evident, then, that the manufacturer was benefited by them; he was the gainer, and the consumer must be the loser. He had said that those duties gave no additional treasure to the nation; perhaps it would be argued that they acted as an incentive to a greater degree of industry, and that, therefore, they did enrich the nation. Why, sir, said Mr. R., if this be your only object, you might as well tax the people in some other way, to pay the laborer for doing that which would be of no use when done; but I imagine, sir, the people will hardly feel it just that they should be ground down by taxes, merely, forsooth, for the purpose of making them more industrious in the performance of useless drudgeries imposed on them by their masters. At the opening of the session, I was rejoiced exceedingly to find a feature in the message of the Executive, which so completely conformed to my own views on taxation. I did hope that those views would be carried through, and sustained by Congress. I still hope they will, and with this modification, that the duties shall be laid in such a manner as to raise a moderate revenue, sufficient for the expenses and exigencies of the Government, and no more; and, at the same time, incidentally protect American industry. Mr. R. said that a bill, modified in this shape, would have his most cordial support. There was one modification which he must especially require at the hands of the committee; it was, that the agricultural produce, which was the great staple of the county in which he resided, should not be left entirely destitute of protection; but that, on the contrary, the raw material should receive the same protection, whatever it might be, which was given to the manufacturer for goods manufactured from it: the article to which he alluded was wool.

The gentleman from Pennsylvania might suppose that the spot where he resided was more highly favored of heaven, and that, therefore, it was of most consequence to the nation. Be it so. But the county in which I reside, said Mr. R., situated on yonder hills, contains a larger quantity of sheep, in proportion to its population, as computed at its last census, and likewise in proportion to the number of cultivated acres, than any other county in the Union. And he would tell gentlemen that the tariff of 1828, he might say the tariff of 1824, but more especially that of 1828, bore harder upon the people of that county than it did on any other county, either in Carolina or in Georgia. They had, indeed, the solace, that then it was that a duty was imposed on wool; wool was protected; and, in a county where they paid annually to the treasury duties to the amount of sixty or seventy thousand dollars. This was the only thing which sweetened the bitter draught; for he could assure the House the duties on sugar was no sweetener; their only solace was the duty on wool, and the consequent high price of the fleece. The bill before the House proposed to take that protection away; but if from wool, let them take it from woollens also, and not hire Europeans to cross the Atlantic to work up the raw material here. Let them work up their own, or let the raw material be shipped from this country to work up there, rather than give a bounty to workmen to cross the Atlantic. This act of 1828, which he had heard denominated the bill of abominations, he rather regarded as a righteous dispensation of affliction on the land, to punish and humiliate the people for the evils they had perpetrated, the political evils in relation to an approaching presidential election. If not a dispensation of Providence, on this account, it certainly grew out of causes connected with President-making. Yes, sir, said Mr. R., this evil was fastened on the country, not irremediably I hope, but it was fastened on the country in the scuffle to continue the then incumbent in office, on one side, and on the other, to oust him, and put in another in his stead. One of the greatest evils which the country had ever experienced, was in this manner inflicted upon it; the public weal was unregarded, and the only question was, shall we give preference to A or B for the presidential chair? It might be recollected (Mr. R. said) that when it was thought necessary to secure a certain State in favor of the then incumbent, a convention was called at Harrisburg to buy them over. On the other side another convention was called, who mounted the same hobby; the price offered was the same on both sides, a high tariff. Delegates were elected who endeavored to outdo each other in this race for popularity, and they brought the same feelings into Congress. The question then was, who is the greatest tariff man? We must have him. One candidate was thought to be a favorite, because he was supposed to be a warm friend of the protective system, and would support a high tariff; but they were told, on the other side, that their candidate would go for as high a tariff; so that even some of the Eastern members, put to the blush, had voted against him. Since, however, they had been brought into these difficulties by this cause, let them endeavor to get out as well as they could; and, with this view, let them now pass a "judicious tariff."

But gentlemen appeared to feel some alarm about passing such a bill just now. He had heard it said, to be sure, it was in a confabulatory manner; but he had heard it said that it would not do to pass a bill reducing the duties at the present session. Why not? Because, forsooth, it would be regarded as an evidence of fear, or as an abject submission, under the threats of one State of the Union, which, it seemed, had put itself in hostile array against the present tariff laws. What! said Mr. R., because that State has, by its convention, declared its grievances, and has further declared that, inasmuch as it considers those laws unjust and unconstitutional, it also considers them null and void; because of this, is nothing left us but to bear the strong arm of power? Will it be an exhibition of cowardice, an evidence of fear? Will it show submission to South Carolina, to do that which is right and just? For my own part, sir, I shall not feel my own individual honor wounded if this offering be made, whether it be on the altar of justice, or on that of concord. Be just, and fear not. Is it an act of justice? Do it, then. Is it an act of conciliation, a sacrifice, if you will, on the altar of concord? If it is that, and that alone, willingly, sir, will I, for one, make it.

Mr. R. said he knew it had been said, even by the honorable gentleman from Massachusetts [Mr. Dearborn] it was said, that he must either suppose himself demented, or that the Carolinians had run mad. No such thing. It would take the strongest evidence to convince him [Mr. R.] of the dementation of the gentleman from Massachusetts. That the people of South Carolina had gone further than he should have gone, with all his Northern phlegm about him, he admitted. But what had South Carolina done? It was declared by the people, in convention, that those two acts of Congress were null and void. All else they had done was for the purpose of establishing and defining the declaration they had made. Well, were these laws unconstitutional, or were they not? This appeared to him the main question; and on this position, it appeared to him, hung every thing pertaining to the measure.

Suppose, said Mr. R., that we admit that they are unconstitutional. Would not you, Mr. Chairman, as a Georgian, (Mr. Wayne was in the chair,) should not I, as a New Yorker, at once declare, if palpably unconstitutional, that they were null and void? Most assuredly. Every man in his senses, knowing any thing of the constitution, would, in such a case, pronounce them so. Whether these laws are constitutional or not, is the question to be decided. Perhaps some will say it depends on the condition of the mind so pronouncing; that as the man thinks, so is he. For myself, I must unequivocally declare that I never doubted that these laws were constitutional in their enactment; I believe the powers exercised in their enactment are delegated to Congress. Nobody doubts the power to impose taxes. That was the first object of the new constitution, and it was the most essential object of the amendment, as it is called, to the articles of confederation. But to employ this power to a protective policy, to use it merely as a measure of protection, our friends of the South think this unconstitutional. North Carolina herself acknowledges that this is unconstitutional We, of the North and East, on the contrary, think it constitutional. Why do we think so? Because it is supposed by our people to be of advantage to them. If injurious to any one, it is felt more deeply by the people of the South than by us. What we think to be right, that is to say, what is most profitable to us, it is pretty easy to convince ourselves is likewise constitutional. We argue this way, Mr. Chairman: the first object of the present framing of the constitution was to make the people happy. Now, the tariff laws of 1828 produce that effect in the North and the East; and, therefore, we naturally conclude that they must be constitutional. The people of the South, on the other hand, feel these laws to be oppressive and unjust. They require no long course of argument, no great stretch of reasoning, to convince them that what is oppressive and unjust was never authorized by the constitution of their beloved country. Here, then, is the difference. Now, I believe, myself, that the people of South Carolina, feeling the oppression and injustice of the tariff of 1828, are as honest in their opinion of its unconstitutionality, as we of the North and East, in our opinion, that the constitution not only warrants, but invites such a measure.

Then, sir, if we can believe, and it requires, I think, no great stretch of charity, if we can believe that South Carolina and our Southern friends are honest in their belief of the unconstitutionality of these laws, I beg to know whether we are not required not only by the dictates of charity and benevolence, but by the principles of justice, to restore those rights of which they allege you have robbed them.

It is said, sir, that they demand that an equal per centage, or nearly so, shall be placed on all imports; that there shall be no protective duties, either direct or incidental; and that, therefore, in passing this law, we shall do nothing towards conciliation. But, sir, I do believe, that if we let South Carolina know that we are disposed to do her justice, she will not rigidly adhere either to the form or principles of no protective duties; I believe she will yield the point to which she is now, perhaps, disposed to adhere, when she knows that the imposition of protective duties is considered, by a large majority of the American people, to be constitutional. But even on this point, will you send an armed force against her, in battle array, to compel her to be convinced of her error in the position she has taken? Before I pass on, sir, to indulge a few moments on the subject of nullification, which is represented to us as a hideous monster, of gorgon shape, size, and appearance, I will put a case: Let us suppose that to have happened which had been suggested in one of the papers, and which, for aught I know, may actually take place. Let us suppose that the State of New York should nullify the decision of the Supreme Court, with regard to the oyster-beds on the Jersey shore; or, let us suppose that Congress should, by an act, annex the city of New York, the isle of Manhattoes, to the State of New Jersey. Suppose this to be done. The State of New Jersey sends her process across from Paulus' Hook, to take possession; and thus attempts to bind the place to the sway of that State. What think you, Mr. Chairman, the people of the city of New York would do in such a case? Would they apply to their State Legislature, to apply to the Legislature of another State, to apply to Congress, that Congress might apply to all the States, to ascertain whether it was proper to annex the city of New York to the State of New Jersey? Would they not rather at once resist the unjust attempt? Well, sir, this would be nullification, frightful as it may appear.

Mr. R. said he would suppose another case, which might be considered more analogous to that of South Carolina. He would suppose that Congress should pass a law imposing a direct tax throughout the United States, say a tax of six millions. Out of this, two millions was to be raised in the State of New York. Now, although this would be double the amount which New York ought to pay of the tax, yet he had no doubt gentlemen would argue, and ingeniously prove, that it was quite consistent with an equality of taxation. It would be argued there, and he had no doubt judges might be found who would say the argument was correct, that the equality of taxation depended on the ability to pay; that New York, the empire State, was able to pay double the amount of any other State, and that, therefore, the tax was equal. Having settled the justice and equity of the measure so satisfactorily, he would suppose they should send out a collector who would undertake to collect this tax. Would not every one, judges, jurors, every body, with one accord, pronounce such a law null and void? Mr. Chairman, (said Mr. R.) depend upon it, it would require a stronger force than you are about to concentrate in the South, to carry such a law into execution. But, gentlemen would say, this might be right enough, when a law is palpably unconstitutional. Palpably unconstitutional! Who, he would ask, were to be the judges of this palpability? Would they leave it to the Supreme Court, or were they to go the round of the States, or refer it to a convention? He did believe they need do either one or the other. What was the difference of the cases between the sedition law and the one under consideration? He would show the difference. The sedition law was, of itself, without reference to the constitution, odious in the eyes of the nation. The law imposing these taxes had bright and engaging features in the view of more than half the nation. It was easy to make the people believe that the sedition law was unconstitutional, because of those odious features; they were unwilling to be told that they should not abuse those who had the administration of the Government; to be gagged, in the language of the day; therefore, it was no harm to nullify the sedition law. I, myself, said Mr. R., was a nullifier then. On the Kentucky and Virginia resolutions being presented by Governor Jay to the Legislature of New York, a resolution came up, of a character similar to that of the present day. It was proposed to refer the matter to the Judiciary. One party, it was the party to which he [Mr. R.] then belonged, to which he still belonged, and hoped ever to belong, whilst he had breath—that party opposed this resolution. It was supposed by them that the Judiciary was never authorized by the States to judge of matters extraneous to the constitution; that the Judiciary was appointed to judge of all matters which arose under the constitution, but not of matters which did not arise under it; and for the obvious reason, that every thing opposed to the constitution was null and void, as a matter of course, and the judges never had the power given them to judge on that which was declared null and void by the authority of the States. A pretty large number, on the occasion to which he referred, were of opinion that it was competent for a State to pronounce an opinion as to the constitutionality of laws. That number, however, did not amount to a majority; but not two years elapsed, before that party was able to give the votes of New York State to Thomas Jefferson. By that vote, then, they became nullifiers. A good deal of doctrinal matter was put forth, as to the right of nullification, and also as to the right of secession. It was said that a State could not nullify, without going out of the Union by that very act; that to nullify a law was, *ipso facto*, (he asked pardon, he believed they did not talk Latin,) a going out of the Union. What, said Mr. R., to declare that a pretended act of Congress is no act of Congress; is that to go out of the Union? To declare that a thing which has no existence is a nullity, as regards the power it assumes; is that going out of the Union? To declare the truth as to that nullity; to say that it is no law; is that going out of the Union? How was it in the case of a number of copartners, connected under the same bond and obligation? A portion of them were for doing a nefarious act; one of the partners said, they had no right to do it, that he would not abide by that act; was this a going out of the copartnership? Where there were eleven rogues, and one honest man, could not that one be honest, without going out of the partnership? He hoped it was possible.

There were wonderful doctrines abroad now-a-days on the subject of secession. Some maintained that a State had a right to secede whenever it pleased; others maintained that the State wishing to secede must ask leave of absence; and that a majority of the other States must give that leave, without which the single State could not depart. He [Mr. R.] was inclined to the opinion that it required the consent of all the copartners for one to secede, because it required the consent of all for one to come in; he should think it required the same for one to go out. To be sure, less than the whole, less than a unanimous consent, might modify the articles of copartnership; and so it was with regard to the States; a majority, three-fourths of the States, (not of the people, that was a new doctrine,) could modify the constitution, but they could not destroy it; what they did must be in the nature of an amendment. Under the constitution, therefore, he should think that the whole of the United States, each State for itself, must give their consent for one member to depart. Being framed by all, it seemed to him that it required the same power to destroy which it did to create. South Carolina, however, supposed she had the right to withdraw without the consent of all; but he believed that this was only conditional, on the employment of an armed force to execute laws which she considered unconstitutional.

Mr. R. continued by observing that the doctrine was, that all power is derived from the people and that the people have a right to resume that power whenever an encroachment shall be made upon their constitutional liberties. In the convention held in the State of New York, prior to the adoption of the constitution, it was fully manifest that they were not disposed to create a consolidated Government, possessed of powers paramount to the authority of the States. Preparatory to the ratification of the constitution, a declaration of rights was issued on the part of New York, proposing, also, amendments to the constitution, as then proposed for adoption. The members from that State were required to present them before the question of ratification should be settled. These amendments went to the effect of reserving the authority of the States, and the rights of the citizens, and confining the General Government, which the States were about to create, to the exercise of those powers which were expressly surrendered. They were drawn up, Mr. R. was understood by the reporter to say, by one of the most eminent statesmen that New York had ever given birth to, and they were considered to express the sentiments of the democracy of the State congregated in convention. The illustrious George Clinton was the president of that body, and in their declaration the right was declared, in the most explicit terms, that the powers granted should be resumed, if necessary for the happiness of those by whom such powers were surrendered.

Mr. R. here read from the authority to which he referred. The passage cited was to the effect that the powers given could be resumed in the event of an abuse of them.

This proposition was one of ten that went the grand rounds of the nation on that occasion. It was ratified, and became part and parcel of the Union. But whether the doctrine of secession was to be permitted or not, was now, with the proclamation, the message, the ordinance, and the other documents which had appeared on the subject, the common theme of conversation. In consider ing the relative rights of the General and the State Governments, it would be well to call to their recollection the events which had occurred in times long gone by, in order to arrive at a knowledge of the principles which should now govern us. For his own part, he thought that South Carolina was not acting the traitorous part which many allege she is acting. He was fully aware that she might be mistaken in some of her notions; but even suppose that State was engaged in acts which would amount to a palpable violation of the constitution, did not justice require that conciliation should be used towards a State which had just cause for standing forward in the defence of its rights?

Mr. R. next referred to that portion of the message of the President at the commencement of the session, which relates to the protection of the States from the controlling power and influence of the General Government, and observed that it was with rejoicing he had perceived the recommendation to take away the power of domineering over the State authorities. He was glad, also, at the doctrine being laid down, that in the case of uncertain and doubtful powers the Government ought not to act. In fact, what doctrine, Mr. R. asked, could be more correct than this? The recommendation also of the sale of the bank stock possessed by the United States, and the stock held by the nation in other incorporated companies, must have been made with the view, he conceived, of tending to the diminution of the influence which the General Government might have by its possession over the elections in the States. All these showed, in his opinion, how sedulously careful the Executive was in the object of diminishing the influence which, as he had before observed, the General Government might be supposed to have, by these means, over the State elections. But he [Mr. R.] did not, for his own part, perceive how the elections in the State of Maryland, for instance, could be effected by the stock held by the Government in the Chesapeake and Ohio, or the Chesapeake and Delaware canals; but it had nevertheless been recommended to dispose of this stock, in order, it was presumed, to render the State free, sovereign, and independent.

Mr. R. proceeded by adverting to the proclamation, the war proclamation, as he termed it, recently issued by the President, against the rebellious subjects in the State of South Carolina. In that proclamation he had observed political sentiments revolting to his [Mr. R.'s] notions of contutional Government. He was sorry, indeed, to say that that document expressed opinions which had always been considered by him, and by that political party with whom he generally acted, as utterly heterodox; and if they should be favored by the national sanction, it would, he had no doubt, require years of political revolution to repair the error. It was, he said, with perfect astonishment that he had read the announcement of such a doctrine as that which declared that the Executive Government was the representative of one people; in other words, that it was a unity, a Government of itself, and not a Government which was the representative of the States forming this Union.

Mr. R. argued upon this point for some time, and asked, in conclusion, whether the electoral colleges were not the colleges of the States, separately and respectively, and whether each State had not the power to change the composition of its college, and the time and mode of its meeting, as it should choose? And yet the doctrines had been urged in a popular document, with all the overwhelming influence of the Government, that that Government was a unity; the people, the American people, were to be told that it would be right to carry on a war against South Carolina and her rebellious sons, because the General Government of the whole American people is a consolidated Government.

This doctrine of consolidation, Mr. R. said, he knew was a favorite with an old party in the country; but, for himself, he had always protested against it, as involving a doctrine, and the exercise of a power, denied by the constitution, and repudiated by the patriots and whigs of the revolution.

[Here, on the motion of Mr. Carson, the committee rose, and the House adjourned. On the following day]

Mr. ROOT resumed the remarks in which he was interrupted on the preceding day, by the motion to adjourn. He observed that it belonged to him to express his grateful feeling for the profound attention with which he had been listened to, up to the period when his argument had been suspended by the motion of the gentleman from South Carolina [Mr. Carson] that the committee should rise. The indulgence then shown him could not but act as an admonition to be brief in his concluding remarks; and he should, therefore, condense them in as small a compass as his poor talents would admit, if not as small as the House would desire. He would, in the first place, recur to his remarks of yesterday, under the impression that he was either misunderstood, or that he failed in giving a clear expression of his sentiments. He knew very well that misconceptions would arise of the declared opinions of a person speaking on a subject of such extreme importance, and in times of such high excitement, and that it might be supposed that asseverations of supporting certain doctrines, in the course of an argument of warmth and feeling, were mere expletives. From some suggestions which he had heard out of that House, he was confident he had been—he would not say misrepresented, but certainly misunderstood, in respect to some of the points upon which he had addressed the committee. In the observations which he had deemed it his duty to make in relation to that part of the message of the President which recommends the sale of the bank stock, and of the other stocks held by the nation in incorporated companies, and on the overweening influence in State elections which the possession of that stock gave to the General Government, he had not designed to speak disrespectfully of the Chief Magistrate, or to impute to him improper or sinister motives in the exercise of any part of that influence, whatever it might be. He had expressly mentioned that it showed a sedulous care on the part of the Executive to preserve the State Governments from the pollution and corruption which possibly accompany or follow the operation of such an influence, in regard to their elections. He admired the motives which led to the manifestation of such a care on the part of the President, and, at the same time, he should, with equal earnestness, regret the occurrence of any event which could, by any means, show that the operation of the influence over State authorities, arising from this source, had taken, or could take place, whether from the Government or any of its agents.

But the point to which he was more particularly anxious to call their attention, in connexion with his former remarks, was the subject of nullification, and the identification of himself with the term nullification, which, according to the lexicographers of the day, was of modern origin. It had been said by an honorable gentleman that he [Mr. R.] might be considered as one of the fathers of nullification; but in the present common acceptation of the term, this did not by any means ensue as a necessary consequence, from the remarks which he had submitted yesterday. He had then declared that a law of Congress, which was palpably unconstitutional, is, as a matter of course, in itself null and void; and he now repeated that same declaration, and he challenged a denial of the correctness of the position. But as to nullification, in the sense in which it was expressly coined or used in or for South Carolina, and applied against the tariff, or the protective system, he meant as applicable to the revenue laws of the United States, he must say that he disclaimed it. In that sense of the term, Mr. R. said, I disclaim being a nullifier, because I believe those laws to have been constitutional, from the origin of our Government. If arguments, he said, were necessary to be advanced in support of this, he might urge, with confidence, those contained in the able letter of one of his colleagues to a distinguished gentleman from South Carolina, in which the principles of constitutional law, on this subject, were developed, and placed in so broad a light as to carry conviction to almost all who had taken them into view.

[The reporter understood the allusion made by Mr. Root to be to the letter of Mr. Verplanck to Mr. Drayton, on the constitutionality of the tariff system.]

Mr. R. continued, by repeating the expression of his opinion, that the nullification of a law palpably unconstitutional was not only proper, but laudable and praiseworthy. He said he had never been so well versed in what he might call the schools of attorneyship, as to learn the terms of process to be applied under the recent Executive message. His doctrines had their source in another school—that of the convention of New York, which ratified the constitution of the United States. But, in referring to this, he was apprehensive that he had been deemed an advocate of the doctrine that a State could secede from the Union whenever it might think proper. This was something like the principle advanced in the first Congress, by some who maintained that measures should be submitted to the State Legislatures for their approbation and consent. He [Mr. R.] did not deny the validity of the argument, that, inasmuch as all the States had agreed to the union in the first instance, no individual State can secede or withdraw, without the agreement and consent of all to such withdrawal; that is, unless there be an utter abrogation of the compact itself. The other members of the compact must agree to the secession, as they had previously agreed to the covenant of association. If it were broken by the consent of the co-covenanters in this manner, then it would be null and void: for, the covenant being broken, none could be any longer bound by its provisions.

Yesterday, Mr. R. said, he was commenting on that portion of the President's proclamation which went to persuade forbearance on the part of South Carolina. He regretted that that doctrine urged the maintenance of principles unknown to the constitution, and heterodox in the opinion of those who maintained the good old republican doctrines which animated the members of the great convention of 1787, and the patriarchs of our freedom, the fruit of whose exertions was the great civil revolution of 1798, 1799, and 1800.

Mr. R. here went into a recapitulation of his former argument in support of the rights of the States as such, and apostrophizing the chairman of the Committee of the Whole on the state of the Union, [Mr. Wayne,] in illustration of the point before them, asked if the citizens of Georgia considered that distinguished gentleman to be a Representative in Congress of the United States, or a Representative whose duties were imposed upon him by the suffrages of the citizens of his own State. Certainly, said Mr. R., the latter; and, as such, with respect to himself, he deemed to be the bonds which connected him with his own State. And yet, he observed, this doctrine that each member of that House is a Representative of the whole United States, and not of the State whence he comes, is urged to South Carolina as a reason for submission to laws, against the constitutionality of which South Carolina so strenuously protests. Mr. R. said, further, that it was sufficient for him to represent, in part, the interests of New York, (and would that he could represent them more ably,) and, in saying this, he must not be understood as insensible to his duty to attend to the interests of the whole Union; but he solemnly declared that he neither could nor would assent to the doctrine—the consolidating doctrine, that a member from one State was a Representative of the whole nation.

Representation, then, and direct taxation, were to be throughout the States in the same proportion; it was the old revolutionary doctrine that they were to go hand in hand together. In one House the States were to be represented equally; in the other, in the same proportion as they were found to contribute to the public burdens. Wherefore, then, were they to be told that the members of that House were the Representatives of a consolidated Government, instead of the Representatives of the States, as separate, distinct, and independent political communities? Again: this proclamation, as a reason why South Carolina should obey, assumes that the laws of Congress operate on the citizens of this great Union as individuals, and not on the States; by which it was meant to show, he supposed, that the people of the States owe a supreme allegiance to the General Government, instead of an allegiance to the State Governments. But this was in direct opposition to the constitution, which, in every part, made its operation to act upon the States, and not on the individuals of the whole United States. Its operation on the States was evidenced in a long list of particulars, in which, it is said, the States could not act; they were forbidden to do many things under the constitution; and then, again, there were certain things which they were required to do; it operated, therefore, on the State Governments, on the State sovereignties; this operation extended so far, and no farther than what the people forming those political communities had consented to grant. But again: in order to show that this was one consolidated Government, and that the Government of the Union was paramount to those of the States, the proclamation referred them back to their condition under the royal Government, when, as it declared, the several colonies were united, as they were afterwards, under the confederation, to form one nation. And so they were, as much then as now, though not possessing such extensive powers. Under the confederation, each having one vote, they formed one nation, for the purpose of regulating their intercourse with foreign nations; but not for the management of the civil concerns of their respective jurisdiction. For general purposes, which could not be managed unless they united—their post office and intercourse with foreign nations—for these purposes they agreed to unite. What was there in the new constitution to change the national character of the Union? Nothing. They were left independent, sovereign States as before. In the old convention there were two difficulties which they were unable to surmount; the first was that of raising a revenue to provide for the payment of the national debt contracted during the revolution, and the ordinary exigencies of the Government. To accomplish this object, they called on the States to surrender five per cent. of their imports. Another difficulty, to overcome which the convention was called, was, to provide a national judiciary, in order to execute treaties with foreign Governments. It was perceived that the State judiciaries might throw impediments in the way of collecting British debts, and complying with other provisions contained in the treaty of peace. For that purpose a national judiciary was created to judge of treaties, so as to make treaties, thus approved, superior to the State laws, or any obstacles which the States might throw in the way of their Executive. These, then, were the two reasons for which the convention was called—to appoint a judiciary to decide on all differences growing out of the constitution—on all laws growing out of the constitution—more especially treaties with foreign nations. But they never gave that judiciary power to decide on questions extraneous to and out of the constitution. That constitution was framed with all the reserved rights of the States carefully ascertained and defined. For this purpose it was that conventions were called in the several States, beginning with Massachusetts, after two or three States, by the by, had ratified it without any provisoes whatever: the precautionary measure went round the several States—North Carolina was the last; the result was a list of provisoes, and names, the framers of those provisoes, which did honor to the convention. In New York State, Chancellor Livingston drew up a document, with masterly sagacity; and he [Mr. R.] must state it as his opinion, that the constitution would not have been ratified had it not been for the midway suggested and pointed at by Chancellor Livingston. Mr. R. proceeded to pass high encomiums on other prominent characters connected with these transactions—George Clinton and the Lansings, Yates's, and Melancthon Smiths of the day.

The whole scope of what were denominated the doctrinal points in the proclamation, tended to a consolidation of the Union, and to an utter subduing of State rights, State authority, and State prerogatives. Yes, and when the doctrine of State rights, as formerly claimed and asserted by their patriot fathers, was brought in question, they were told that it was metaphysical, that it was an abstraction, not to be yielded; nay, not to be borne, in the eye of modern liberal philosophy. There were, however, he believed, metaphysical truths; and, if he was not mistaken, there were abstract principles, which would always remain the same; which they could not make conformable to convenient principles, nor change with the changes of the times. Yes, there were certain fixed principles, call them abstractions, or metaphysical, as they pleased, which would bid defiance to the sneers of modern political philosophers. Those principles were to be found in the constitution; and there they would remain, notwithstanding it was now attempted to tear them out, by arguments undertaking to show that they ought not to be there.

Perhaps these arguments were just. It might be, perhaps, well that a nation, so extended in its territory, so numerous—a nation, too, if not corrupt, so ripe for corruption—it might be well, perhaps, that it should be made one entire Government, as gentlemen would fain persuade them it was already. A time arrived when the Dutch republic found it better to relinquish the condition of a purely republican form of Government; corruption was seen to be abroad in the land; the common weal was forgotten, and the emulation of patriotism had given place to the struggle for filthy lucre; then it was that the Dutch people thought it better to make a stadtholder, and him for life. Perhaps the time had arrived when it would be well for this country to follow their example. But if so, let it be done at once—boldly, openly, honestly. Let a convention of the States be called, and the Government declared one whole consolidated Government; let them at once give up State rights, and trample that which was now sneered at as a metaphysical abstraction, under their feet. By the by, said Mr. R., I should not be willing to be an actor in such a scene; let those do it to whom it would seem to be so desirable. It might seem a bold proposition; but he was not certain, appearing as it did in a document so commanding, and advanced in such a cause, he was not certain that the nation would not readily consent to give up their liberties, to dissolve the State authorities, and form themselves into an empire, under some favorite leader. He, for one, would not be an actor in scenes like these. Sir, said Mr. R., a principle like this, thus urged, is deeply to be lamented. It is urged in a popular cause, and it emanates from a popular source; and, therefore, its effects cannot fail to be deeply injurious.

To avert to the subject of the South. He did not think it possible that South Carolina could persuade the majority of the United States that the revenue duties on imports were not warranted by the constitution, where they afforded any thing like protection to domestic industry, or to the produce of the industry of our own country. The time had not arrived yet, when another proposition might be applied; that Congress could not raise more revenue than was necessary for the purposes of the Government. That time had not yet arrived; the Government had not hitherto raised more than it needed. He admitted that the payment of the national debt had been hastened—improvidently, as he thought, and injuriously to the interests of this country; he believed, if its payment had been more gradual, it would have been better for the country; because, when they stopped a large revenue suddenly short, it produced a great obstruction in the current of many transactions; and the stream could not flow as healthfully as if each obstruction had not been interposed. All this, however, had been overlooked. It had been a popular time to descant upon—that this country was so soon to present the novel spectacle of a great and free nation out of debt. Yes! this had been a matter of boast—a matter of self-gratulation, as well as congratulation; and, he must confess, that to him the boast was more like the rattle, the bauble of the child, than the dignified pride of the statesman. That time not having yet arrived, when more revenue would be raised than the calls of the Government required, and the speedy payment of the national debt having been sanctioned by the call of the nation, South Carolina had nothing to complain of in this respect. A few years ago it had been the favorite theme of statesmen, that they would have a surplus revenue; and the great desideratum was, how should it be employed—how expended? But a little more than three years ago, a retention of the protective duties was recommended, notwithstanding it was seen that they would produce a surplus revenue. That was the time when high tariff was the order of the day; it was just after the scuffle who should switch the hobby with the keenest cuts; just after, too, that, in the great State, a great meeting had been held in its capital, to resolve on high tariff protecting duties; just after, too, when a distinguished orator had thundered in the capital of the great State, with all the mouth of the Albany Executive; it was just after a resolution had been passed in the Legislature of that State, instructing their Representatives in Congress to vote for high protecting duties on imports. He, [Mr. R.,] with a few more, had opposed the resolution; but they were not numerous enough to ask for the ayes and noes. Times, however, had changed; and men had changed with the times. At all events, there was a change of sentiments at head quarters, and perhaps it had extended through the nation.

He could not help noticing, however, a great discrepancy in the sentiments with which they were favored from head quarters. In a certain proclamation, which had been issued some few days ago, there were principles asserted which had not been regarded as orthodox, even by the high federal school. In the message which had subsequently been communicated to Congress, he was happy to find those very principles which he [Mr. R.] had himself always avowed and advocated, and to which he should always adhere. He had read this document with much care, particularly those parts which might be called doctrinal, and which were written with as much carefulness and nicety as if they were penned by a doctor of politics. There were, indeed, one or two slight aberrations, where the writer seemed to fall into the whole system of Government; but those, he presumed, were mere inadvertencies. He so much approved of some portions of this document, that he had marked in the margin some of its language and sentiments, which he should suppose it would be the pride of a republican people to adopt. He did not ascribe the discrepancy, to which he had alluded, to fickleness or change in the mind of any one; he considered it as growing, necessarily, out of the present order of things.

The immortal Washington, when this Government first went into operation, had the power to make an unwritten constitution, having all the effect of a written one. One of the powers confided to him was that of calling persons of high talents to assist him, as his cabinet council. He called that council; for what purpose? But as ciphers to advise with him, and to have some agency in the operations of the Government. And, from that time to the present, he believed that the members of the cabinet had had and exercised such agency; although the whole responsibility was not here ascribed to them, as it was in England. There was a time, indeed, when four did not make one exactly; when the council went not exactly in unity or harmony: then the ministers could scarcely be held as responsible. But now, when all was concord and unity—so it was understood—in the cabinet, it must be supposed that they had an agency in the management of the affairs of the Government. It was not to be supposed that the Chief Magistrate did every thing with his own head or his own hands; in this respect the Government of this country was not an exception to all others. Was not this, then, a reasonable way of accounting for the direct and palpable way of accounting for the direct and palpable contradictions which issued apparently from one source, the hands of the Executive? However, this might be well enough. The Fox and Grenville administration did well enough in England; and a similar one, perhaps, might manage here.

He would turn to a point of more importance. Would not South Carolina, if they passed the bill under consideration, retrace her steps? It was said that her convention had adjourned—that her Legislature had adjourned—that her law was enacted—and the means of carrying it into execution ready to be applied—and that, therefore, there was no hope but that the sword must be drawn. Was it so? Was it not in the power of the Executive authority of South Carolina to stay its hand awhile? Was it not in the power of the Executive authority of the United States to forbear awhile—that was to say, forbear unless it was perceived that a direct force was exerted in opposition to the laws. He did entertain a hope that this was possible; and he was the more anxious to pass this bill, because he did believe that the existing laws were constitutional, and that it was the duty of the Executive of the United States to see that they are faithfully executed. South Carolina, it was said, believed that they were not constitutional; but should she not, situated as she was, in a questionable, a doubtful position, make the best of her argument—should she not, and would she not, wait awhile to see if a conciliation might take place? He was not induced to hope this, because he believed South Carolina had run mad. If he could believe that that State was governed by mad men, he should have no hope; but when he saw she was governed by rational men, who must perceive that this case, to make the best of it, was a doubtful one, he did hope that she would wait, and let those doubts, if possible, be removed by the withdrawal of the offensive law.

He had said yesterday that he was anxious that this bill should pass; but that there were some modifications which he should require to be made to it before he gave it his cordial assent. It was, that a tariff should be so formed as to meet the condition of the country, and bear on all with an equal hand; that it should contain such provisions as would give at least equal protection to the products of the soil as it gave to the products of labor. In this country land was the cheapest article, because the supply was greater than the demand; land, then, was their great staple. In England they have more people than they have land; of course, land was there the dearest article—labor the cheapest. Was it not the policy of all Governments to encourage that which was its own, rather than that which was exotic? That which was indigenous, if of equal quality, rather than that of foreign growth? Labor was dear here, because laborers were proportionally few. Should not the produce of land be encouraged then, when, with the addition of labor, it must give the greatest accession of wealth to the country? It should, in his opinion, have a higher protection than iron. Why? Because iron was chiefly the produce of labor. The wool, the cotton, and the sugar of the country were the productions of labor and land combined; and a cent's worth of duty given to labor applied to land, would give two cents worth of profit.

He wished, at the proper time, to propose an amendment to the bill, having for its object to impose the same duty on the raw materials, wool and cotton, as was to be imposed on cotton and woollen goods.

Mr. R. concluded his remarks by a summary of the positions he had maintained in the preceding parts of his speech. He thought that no more taxes should be raised than are sufficient to meet the exigencies of the Government; that Congress had no right to take from one man to give to another—to rob Peter to pay Paul. To do this was only to disturb the equality of conditions, and make one poor and another rich, by legislation; all taxes ought to be imposed in a manner the least onerous to the people. For this purpose, the taxes should be such that the people could either pay them or leave it alone, at their pleasure; such were taxes on articles which taste or pride—pride most of them—might induce people to pay. How were such taxes to be imposed? On such articles as they could make themselves better than they could get them elsewhere. Then, at the same time they laid taxes, with a view to raising a sufficient revenue, and no more, they might, at the same time, incidentally give protection to American produce and American industry. With taxes possessing those characteristics, would not South Carolina be content? Would not the American people, from one extremity of the country to the other, be content? Would not their infant manufactures flourish as far as they could, under the fostering care of the Government? It was not, however, healthy or proper for this country to undertake to rival England in the cheapness as well as the quality of her articles. In this country, where the people were thinly scattered over a vast extent of country, it was not necessary that they should rival, in the prices of their workshops, that island, which had been so aptly called the workshop of Europe. He hoped encouragement would be given to the manufacturers of this country, to those the encouragement of which would really benefit the country, but not to those which were uncongenial to their soil and climate, and uncongenial also to their republican institutions.

FRIDAY, JANUARY 18.

THE TARIFF, MANUFACTURES, &c.

The resolution offered by Mr. ADAMS, and under discussion yesterday, again coming up as the unfinished morning business,

Mr. HOFFMAN resumed the course of his remarks in reply to those of the mover, arguing to show that the resolutions were unnecessary, and were moreover offered too late to be of any service. He was authorized to say that the bill to reduce the duties on imports met the approbation of the Secretary of the Treasury. If the gentleman should insist on his call, it would no doubt receive an answer, amounting in substance to what Mr. H. had just stated. The Secretary might perhaps suggest some slight modifications, but Mr. H. did not believe that a written answer to the call would be of any great importance to the House.

The second resolution called upon the President to furnish to the House a list of such articles as he considered indispensable to our independence in time of war, and it undertook to suppose that the President meant to declare that all protection must ultimately be limited to these articles alone. As all could read the message for themselves, and as his meaning was too clearly expressed to be well misunderstood, Mr. H. thought it sufficient to say that the President had uttered no such sentiment. Be that as it might, a discussion as to what the President's opinion was, could not, he should suppose, be very needful. Would the House of Representatives ask the President of the United States to furnish them with a list of articles which he deemed necessary in time of war? Could it be believed that that House would gravely, and in its legislative capacity, make such a call? Of what use could it be? How would it aid that House in the laying of taxes? How could a catalogue of such articles be very material to their legislation, in rendering the burden of taxation as little oppressive to the people as possible? When the President spoke of articles indispensably necessary in time of war, the general acceptation of his meaning would of course be, that he had reference to arms, and to the munitions of war. The gentleman from Massachusetts supposed that blankets were among these indispensable articles, but the judgement of the House, so far as blankets of a certain price were concerned, had put none under a duty of more than five per cent. He hoped that the judgment of the House, thus expressed, would enable the gentleman to arrive at a correct conclusion in respect to that particular article.

Mr. H. would not examine that reasoning, according to which it turned out that every variety of clothing and provisions, and all the ways and means by which each of those articles was made, constituted an essential in war. He should content himself with saying that the language used by the President was sufficiently plain and unequivocal. It related obviously to arms and munitions of war, to those things which were necessary only to military operations, and were not required by the civil wants of society. He thought, to say the least, that the House would not give any great evidence of its own sagacity by asking the President of the United States. He hoped, as well for the sake of the character of the House, and of respect to the Executive, as to the good sense of the country at large, that the call would be abandoned by the gentleman, and, if not, that it would be negatived by the House. He concluded by asking that the question be put upon the resolutions separately.

Mr. ADAMS observed that there seemed to be a general misunderstanding, both as to the object sought by the resolutions he had offered, and of the argument by which they had been sustained; and he found that the newspapers had contributed to sanction this mistake, and spread the misrepresentation through the country. By putting the word "might" in place of the word "must," in giving his second resolution, they had completely changed its whole meaning. The alteration of that single word occasioned a revolution in the whole subject; it gave a totally different bearing to the passage quoted from the President's message, as well as to his own resolution, and to his whole argument. The gentleman from New York had said that Mr. A. misunderstood the President. He judged of the President's meaning from the natural import of his words. His words were these:

"Those who take an enlarged view of the condition of our country, must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war."

This amounted to a nullifying and annihilating of the protective policy in this country. No protection whatever was ultimately to exist but upon articles indispensable in time of war. That was the sentiment expressed; if the gentleman could make any thing else of it, he was welcome. But that was the obvious and natural import of the words; and the only question presented to the House, and to the country, was, whether there should be protection, or whether there should be none.

Mr. A. had made this explanation only because he wished the House not to misunderstand the drift and intention of what he had said, in consequence either of what had fallen from the gentleman from New York, [Mr. Hoffman,] or, what was of much more consequence to him, the misrepresentation (unintentional, he had no doubt) of the resolution he had offered, by inserting "might" instead of "most."

Mr. STEWART considered the second resolution as in a great measure superseded by the first: if the first should be fully answered by the Secretary, there could be little advantage in pressing the second. And besides, he believed the President had just now quite enough to do in giving his attention to other matters of a more grave and important character. He was in favor of making the call on the Secretary of the Treasury. The answer to that call would give the House some necessary light in voting on the bill, for they were not all in the condition of the gentleman from New York [Mr. Hoffman] who professed to have all the light that he needed to guide his vote. Besides, some little time ought to be afforded them before they were called on to act on a measure of such vital importance. The House had been urged by the gentleman from New York over the way, [Mr. Verplanck,] immediately to vote for a bill which subverted the whole policy, and overturned, uprooted, and destroyed the vital interests of this country—of the gentleman's country. He wished the gentleman would give them a little more light before he insisted on their action. Mr. S. would like to hear some reasons from the gentleman why that House was called upon so suddenly to repeal the act of the last session; an act which had passed in both Houses by a majority of two to one; an act for which all the States south of the Potomac, except two, had given a majority of their votes; an act which was agreed to on all sides as a final compromise of the claims and interests of the South and the North. This law they were now called on to repeal; to repeal it without a reason given; ay, and to do more, for a repeal of that law might amount to a virtual repeal of the Union. He advised gentlemen to retain the friends of the Union they now had, and not lose them in a vain attempt to conciliate others. If in that hopeless attempt they should disaffect the real friends of this Union, they might bring the Union itself into the greatest danger. The gentleman from New York on his left [Mr. Hoffman] affected to think there was no great need of discussion before passing this bill. Yes, that same gentleman who had voted for the tariff of 1828, who at that time had made a great ado, and had loudly demanded a high duty upon wool, seemed now to think that the less that was said about wool the better. He had light enough; he was ready to vote; inquiry was useless; discussion was mere waste of time. Now, for Mr. S.'s own part, he wanted a little more light, and he sincerely wished if the gentleman had so much, that he would at least impart some of it to the House: for his own part he confessed himself to be in Egyptian darkness as to the reasons for this measure. He saw that the gentleman shook his head when the part he had taken in favor of the high tariff of 1828 had been alluded to; yet all would bear him out in the assertion he had made, that that same gentleman had made a great ado on the subject of wool, and could scarce get a duty high enough. The gentleman was one of the most zealous, most ardent, most sincere; no, he would not say sincere, but certainly one of the most zealous advocates for protection: the farmers must be protected; wool was raised by the farmers; wool must be protected; it must be protected by a duty of a hundred per cent.; nothing less would be sufficient; wool was a product of agriculture. The gentleman was then a great friend of the agricultural interest. Pray, how came it to pass that the gentleman now had struck his flag? Not a word about wool, not a syllable about the protection of the agricultural interest; the whole doctrine must be given up, and, instead of the gentleman's hundred per cent. on wool, he was willing to cover it with a pitiful duty of fifteen per cent. now! What had wrought this change? Why was the gentleman's favorite interest now to be sacrificed? The gentleman was then quite indignant. What, import wool from England? Shocking! He was too much of an American to wear a coat that was made of foreign wool. But what said the gentleman now? He had light enough. He was ready and anxious to put wool at fifteen per cent. The Secretary of the Treasury had himself voted for the law of 1828. What had revolutionized that gentleman's views? He was now said to be in favor of this bill; yet he had ably advocated the whole policy, and the very measure he was now endeavoring to put down. The gentleman from New York [Mr. Hoffman] had just said that this House had pronounced its judgment against blankets by reducing the duty to five per cent. Was that the judgment of the House? The gentleman knew better. He knew, and the House knew, that that reduction had been made as an act of concession. The duty of five per cent. on blankets never could have got a place in that bill but as an act of concession to the South. This important branch of industry, as well as the agriculture of the country, had been sacrificed as a peace-offering: was this the judgment of the House against blankets? If the gentleman doubted their being essential in time of war, let him look back to our last struggle with Great Britain, when Congress had been obliged to take off the non-intercourse with England in the midst of war, that we might get blankets for our perishing soldiers and our shivering Indians.

The gentleman from New York [Mr. Hoffman] had said that the House would manifest a great want of sagacity in calling upon the Secretary of the Treasury for information, when they were possessed of so much themselves. But Mr. S. thought they would show less in turning round and eating up, and swallowing down without chewing, the bill which they themselves had a few months since passed by a majority of two to one. And for what? No one knew: at least no one had pretended as yet to tell. He thought this would evince, if not a want of sagacity, at least a great want of consistency and firmness.

The professed object in view was to reduce the revenue. But on that subject Mr. S. concurred entirely in what had been advanced by the gentleman from Massachusetts. The Secretary had declared that the revenue might be reduced, by the amount of six millions of dollars, without prejudice to the just claims of existing establishments. The idea of effecting a certain reduction of revenue by a given reduction of duties, predicated on the imports of any one year, was utterly fallacious and delusive. The quantity and kinds of imports were subject to immense fluctuations. For instance, in the year 1830, our imports had been 70 millions; and in the very next year they rose to 103 millions. How then could any calculations as to increase be based with safety on the results of any single year? Here was an increase of one-third in a single year. If gentlemen succeeded in reducing the duties as was proposed, he should not wonder if the revenue should be doubled for a short time. This standard of measure was perfectly fallacious; nor could the mere reduction of duties be relied upon to reduce the revenue. But there was a mode in which the Secretary might reduce the revenue without in the least affecting the principle of protection.

[Here Mr. CARSON interposed, and called Mr. Stewart to order.

Being desired by the Chair to state his point of order, Mr. CARSON said that the gentleman's plan for reducing the revenue had no connexion with the adoption of the resolution before the House. The gentleman had no right to forestall the Secretary of the Treasury on a question whether a certain resolution should be adopted.

The CHAIR replied that the nature of the resolution opened the whole subject for discussion.]

Mr. STEWART resumed. The gentleman from Massachusetts, he said, could not perceive how the revenue was to be reduced six millions by reducing the duties as proposed.

Here Mr. ADAMS asked leave to explain. He had not said that it was impossible to reduce the revenue by reducing imposts; but what he had said was this: he was unable to see how the revenue was to be reduced six millions "without prejudice to the just claims of existing establishments." He did not see how the Secretary could carry into effect that which he said he could; and for that reason he had offered a resolution asking him how it was to be done—on what articles the reduction was to be made, so as not to prejudice these just claims.

Mr. STEWART proceeded, and observed that he concurred with his friend from Massachusetts, that the Secretary could not do this in the manner now proposed. But Mr. S. could tell the Secretary how the reduction might be effected without in the least prejudicing the protection of domestic industry, but, on the contrary, so as to advance and promote the interest of manufactures, increase the wealth, and establish the independence of the country. If he was asked what was the way to do this, he would reply, let the President or his Secretary first select the articles of necessity to the country in war, and such others as the country had the capacity of manufacturing for itself, such as iron, woollens, cottons, &c. Having selected these articles for permanent protection, then let him increase the duties gradually, till the foreign article was excluded, and this source of revenue thus entirely dried up. This was the way to reduce the revenue. To diminish the quantity of goods imported, not to increase it. Diminish it by raising duties, not increase it by lowering them; give full protection; say to capitalists, go to work, create a market, create competition, bring down prices. This was the true policy. Competition was the lever by which prices were to be brought down. Go on, fill the market; promote agriculture by furnishing a market for its products. Let the increase of duties be very gradual. If it rose by only two or three per cent. a year, it was sufficient. Only give security to capital. This was the way, and the only way, to decrease the revenue without prejudice to existing establishments. What had given our people cotton goods at so low a price? It was the operation of this very principle. It was the realizing of this very scheme. Cottons were the only article of domestic industry that were fully protected in 1816, and look at the result; last year the country had exported coarse cotton fabrics to the amount of a million and a quarter of dollars. Such were the effects of skill, and of the improvements in machinery. The same course applied to woollens would be followed by the same results. The country had as much capacity to manufacture one as the other. The same policy would be productive of the same effects. Indeed, woollens had increased more rapidly than cottons ever did, since their protection in 1824. The woollen manufacture was but eight years old in this country, while the cotton manufacture was of sixteen years standing. This was, in Mr. S.'s view, the true American policy.

Let the Secretary exclude imports, and he would add to the power and wealth of the country. Let him not reduce and destroy the interests of home industry, and check its progress. Agriculture and manufactures were mutually connected; they would both sink together under the system now brought forward by the gentleman from New York.

From the three articles of woollens, cottons, and iron, this country had, last year, derived a revenue of thirteen millions. The whole amount of goods we ought to have manufactured among ourselves. Of the thirty-seven millions worth of iron, woollens, and cottons imported, three-fourths, twenty-seven millions of its value at least, consisted of the labor, fuel, and subsistence of British workmen, and the productions of British farmers.

[Here the hour expired, and the debate was suspended.]

The House then went into Committee on the state of the Union, Mr. Wayne in the chair, and resumed the subject of the

TARIFF BILL.

Mr. ROOT resumed the course of his remarks in favor of the bill, (as given above.) When he concluded,

Mr. VERPLANCK rose. He began by regretting the course which the discussion had taken; and that the opponents of the bill had not complied with the invitation he had given, at an early period, in behalf of the committee which had reported it. It was their wish to have taken up the bill, section by section, and item by item, so that upon any motion to amend, or any objection from any quarter, such defence or explanation as the occasion might call for, could be offered by the committee, and for this they were fully prepared. Unfortunately, as Mr. V. thought, for a fair consideration of this bill, a long, ardent, and desultory debate had been excited, by those who were adverse to its whole policy. In the discussion, upon a motion to strike out the duty on teas, the great principles which had been so often agitated in the present, as well as in many a former Congress, were again drawn into debate. In addition to this, almost every item of the bill had been touched upon in some way or other, and transiently attacked; woollens, and iron, and cottons, and tobacco, had their turn; and my distinguished colleague from New York, [Mr. Root,] whom I have known for years as the champion of wool, had just driven his flock of sheep down from his Delaware mountains into the throng of the debate.

It is difficult now to reply to all these objections in a manner to be of any practicable use in deciding these several points. They must, if we proceed in the bill, come up in detail, and the committee, if called upon, will then endeavor to show the grounds upon which the several rates in it have been fixed. How it was, for instance, that woollens, which it was said had been unreasonably reduced, in comparison with other articles, had, in fact, no small compensation for that difference, by a reduction of the duties on the raw material, oil, and dye stuffs. How it was, to take another instance, that the duty on tobacco, which had been complained of as an excessive protection of Southern interests, was, in fact, so purely nominal upon an article of which we exported five millions of dollars worth a year to foreign markets, that the committee had not thought it worth while to legislate specially about it, and had, therefore, left it subject to the operation of former laws. If any gentleman wished to introduce an amendment on this specific point, it would probably meet with but little opposition, and should it become part of a law, it would probably produce just as little effect.

Waiving all these details, as well as the discussion of those general principles of constitutional law and public policy, which would find a more appropriate place when the bill was reported to be finally acted upon in the House, if it should have that good fortune, Mr. V. said it was his intention to endeavor to come back to the question more immediately before us. He would, therefore, endeavor to reply to some of the objections which had the most direct and practical bearing upon the details of the bill. Among the most formidable of these, were the financial difficulties which had been so ingeniously raised by his able colleague on the Committee of Ways and Means, [Mr. Ingersoll,] who had alone dissented from the report and bill presented by the rest of the committee.

The ground of the argument was this, that whether the plan of finance now proposed was good or bad, the present was not the time for financial reduction: that the treasury still required, for some years, the aid of the higher duties and large income provided for by the existing laws: that, in fact, at the expiration of the last year, the treasury was left not only empty, but subject to a heavy charge of debt, without the means to meet it.

It had been said, that, on the 1st January, 1833, the only remaining funds in the treasury were the million and a half which had, year after year, figured in the reports of the Secretary of the Treasury as unavailable funds, consisting of the paper of broken State banks; whilst the treasury was still subject to various heavy demands. These were, first, seven millions of funded debt; next, about five millions and a half of unsatisfied appropriations, for various purposes, made during the last year; and, thirdly, about seven hundred thousand dollars, paid by the Government of Denmark as a compensation for spoliations on our commerce, which was merely a temporary deposite in our treasury, to be paid over to the merchants when their claims were adjusted.

Let us see, said Mr. V., how this matter stands. And, first, as to the funded debt. This the Committee of Ways and Means had considered, as they stated in their report, to be fairly liquidated, by setting off the stock owned by the Government in the Bank of the United States. This stock, at the market price, somewhat exceeded the present amount of the debt due by the nation. It also produced an interest, and was likely to do so, during the continuance of the Bank charter, of about one hundred and sixty thousand dollars annually, above the interest payable on the national debt.

It had been said that the Bank stock could not be sold without glutting the market; thus depreciating its value to the Government, and ruining individual stockholders. Certainly this might be done, if all branches of the Government were so disposed; but it was equally certain that it would not be done. It would be very easy to empower the Secretary of the Treasury to dispose of this stock at a price not less than its true value, and under such restrictions as would prevent any fluctuations in the stock market, injurious to either public or private interests. The Bank itself might be authorized to purchase the stock, and it might be made the interest of that institution to do so, as enabling it to operate, for the remainder of its charter, upon smaller capital, and, consequently, with greater profits. What restrictions, as to the sale, might be necessary, would be for the wisdom of Congress to determine hereafter. But if, from any cause whatever, no such sale could be effected, still the funded debt unpaid was substantially provided for by the Bank stock. There was an income of nearly 500,000 dollars a year during the existence of the Bank charter, to meet the payment of the interest on the debt, amounting to less than three hundred and fifty thousand dollars a year; and, in the meanwhile, until the principal of the Bank stock was refunded, the payment of the debt might be anticipated, and extinguished, in whole or in part, by the application of such balances as would remain in the treasury at the end of each year. For I think it may be made to appear that, in all human probability, under the operation of this bill, should it become a law, there will be such balances remaining unexpended in the treasury. Here, then, there is no debt unprovided for, at which the most timid political economist need be alarmed.

The second difficulty raised is of a more plausible character. I mean that founded on the unsatisfied appropriations for former years. Of the moneys appropriated during 1832, for the service of that year, there are still five millions and a half of unsatisfied appropriations. These are debts, it is said, for which the nation is liable; that we owe the money; that there can be no higher claim than an appropriation by Congress; that we should be always ready to meet these demands, however and whenever they come; and that the treasury is not now in a state to do so.

Let us again look at the true state of the case. Thirty years' experience, during peace and war, has shown us that there are, of necessity, in every financial year, certain portions of the appropriations which will not only not be paid during that year, but, in fact, from the mode of expenditure, can never be payable until late in the next. These are of various kinds, and it would weary the patience of the committee were I to enumerate them all. A considerable proportion of them are in the naval service. A large amount of the sum appropriated for the gradual increase of the navy, is applied to contracts for cannon, copper, and other materials, and for frames for frigates and seventy-fours. These contracts, of course, take a considerable time, often a year or more, for their completion, and the payments are consequently deferred until that period. So in the large annual appropriations for pay afloat in the navy, two-thirds, on an average, of such appropriations, applicable to distant squadrons, is never payable until their return to the United States. So also in contracts for the army, for cannon, provisions, clothing, &c., the money is not payable until the contract is fulfilled, and a large proportion of these are not payable until a year after the nominal appropriation is made. Thus, a portion of the actual appropriations of every year are but nominal debts during that year, and remain so until they become earned and payable in a succeeding one. Some portion of this is never earned or expended, and after two years returns to the general fund, by being passed, in the books of the treasury, to what is called the surplus fund. There are also, of course, some portions of the appropriations which, from less fixed and regular causes, are either not payable or not claimed until more than a year after such appropriation. Thus there are always, and have been uninterruptedly, for many years, and must always be, some three, four, or five millions of the sums appropriated in each year, actually chargeable upon the income received during the next.

It is due to candor to allow that, owing to the protracted session of the last summer, and the late period at which some of the appropriation bills passed, this amount is something greater than usual during the present year. But it is asked, is it not the part of a prudent statesman to keep always a sum in the treasury to meet these demands, which will certainly come at some time or other? Would not every prudent man do so in regard to his own affairs? Would such a man trust to contingencies to meet demands which he knows must be paid in three, six, or nine months? Certainly he would not. Neither does the Treasury of the United States. Nor yet is it obliged to keep a large sum of money lying unemployed, and for this simple reason: if there is always a certain amount of the appropriation of one year remaining to be paid in the next, there is also always a much larger amount of revenue earned in the one year, which, in consequence of our credit system of revenue, is not paid until the next. Under the former system of long credits, which is still partly in operation, two-thirds of the revenue earned in any one year, and secured by the best commercial security, falls due in one year, and is paid in the next. Under the shorter credits of the act of 1832, this proportion is altered; about one-half falling due within the year of importation, the other half in the next. Many years of custom-house experience have shown us that these securities are perfectly to be relied upon; and that even during the most disastrous periods of trade, the losses to Government are trifling in the extreme. In the present year, it so happens that, to meet the five millions and a half of the unsatisfied appropriations of 1832, there is a nett revenue accruing from the custom-house bonds, given in 1832, and actually falling due weekly and daily during the present year, amounting to fifteen million six hundred thousand dollars. Would any prudent man, in private life, under similar circumstances, consider his debts unprovided for? Ought any statesman, under such circumstances, wish to tax the people for the sake of accumulating money in the treasury? The policy of storing up treasures of gold and silver, for future uses, is that of a past age. We now live in what one of our own poets, who is a man of business as well as a poet, has happily termed "a bank note world," in which, though there is doubtless too much paper, yet the place of Government hoards of old gold and silver is well and safely supplied by commercial securities or custom-house bonds and deposites. This is no new doctrine: it is the settled policy of our Government. It was originally recommended and enforced by the late Mr. Lowndes, and was finally and fully carried into effect by an act passed about four years ago, repealing the old provisions for keeping a surplus in the treasury, and authorizing the head of that department to apply, at his discretion, the whole of the unexpended balances, at the end of each year, to the payment of the public debt. It is by the judicious exercise of this power that the extinction of the debt has been so rapidly hastened.

Let us now, leaving these general views of the subject, see their results in an estimate of the revenue and expenditure for the next year, under the contemplated tariff.

The nett revenue actually accruing from the importation of 1832, is calculated at $23,500,000, of which two-thirds falls due and will be received in 1833, - -		$15,660,000
The two first months of 1833, under the present tariff, at the same rate of importation, would produce -	$3,915,000	
We will deduct fifteen per cent., say - - -	586,000	
		3,329,000
		$18,989,000
Deduct, for return duties, under the eighteenth section of the act of 1832, according to the estimate of the Secretary of the Treasury, - - - - -		2,500,000
		$16,489,000
Add nett duties accruing in the remainder of 1833, which, under the proposed bill, would be $13,840,834. For greater safety, let us again deduct fifteen per cent., say $2,076,124; this would leave $11,766,000; one-half of which, accruing under the present credit system, during the present year, would be - -		5,882,000
Leaving as the nett revenue from the customs for that year, - - -		$22,371,000
Add public lands, bank dividends, &c. -		3,000,000
		$25,371,000
For the amount of all estimated appropriations for the year 1833, including the Danish claims, and the large arrearages of revolutionary pensions, deduct -		18,330,000
Leaving a balance of - - -		$7,041,000

Which would extinguish the unsatisfied appropriations of the last year, and pay off all those, if required, of the present year, leaving a balance of a million and a half for extraordinary appropriations of the present year. But, as, in point of fact, there will be, for reasons already assigned, some three or four millions of this year's appropriations payable in the next, there will be a balance to that amount left in the treasury at the end of the year, and, unless some arrangement before that time be made in relation to the bank stock, I know not how it can be better applied than by paying off the two million two hundred and twenty-seven thousand of four and a half per cent. stock reimbursable on the 1st of January, 1834. There would even then be room for a reduction for our calculation of revenue, or under calculation of receipts, of about two millions of dollars.

If we proceed to the next year, we will find the accounts standing still more favorably; that is, of course, presuming that our relations of peace and tranquillity remain uninterrupted.

In 1834, under the new short credit system, one-half the duties accruing in 1833 will be payable. These, if calculated upon an importation of either 1831 or 1832, according to the rates of the present bill, would amount

to - - - - - - - -	$8,300,000
Half of those of the same year, calculated according to the operation of this bill, on the same amount of importation, falling due within the year, would amount to - - - - - -	7,200,000
Making an aggregate from the customs, of	$15,500,000

This is, I frankly allow, more than the revenue which is likely to accrue, under a gradually diminishing rate of impost. But, I presume, all objections on that score will be obviated by allowing a deduction of twenty per cent. or one-fifth from this amount, which leaves accruing from

the customs, for that year, - - -	$12,400,000
To this we may add, from the other resources of the treasury, - - -	3,000,000
	$15,400,000

Thus we have about fifteen millions and a half of dollars for the income of the year 1834. In that year, the claims on the treasury for the Danish indemnities, for the extra appropriations of the year 1832, and for the back pay of the new revolutionary pensioners, which have so much swelled the expenses of the present year, will have been paid off, and there will only remain the ordinary claims upon the treasury, which have been admitted on all sides of the House ought not to exceed fifteen millions of dollars. We have, therefore, some surplus to apply to the public debt, if the proceeds of the bank stock shall not have already extinguished it. Then begin the regular operations of the bill, calculated, with other resources, to raise a revenue of about fifteen millions to meet an expenditure generally below that sum.

The next objection raised is, that it is taken for granted that the income of the public lands is still to remain as a portion of the revenue of the country. Now, it is said, a plan has been recommended by the Executive, and a bill adopting another plan has passed the Senate, either of which would divert the whole of this income into another channel. The Committee of Ways and Means have, of course, taken it for granted, that until some law on this subject has actually passed, the present system will continue for a time. Indeed, while the propositions of those who think it proper to apply this fund to other objects than those subject to our own legislation are so variant, it is wholly uncertain what plan, and where any can be adopted, differing from the present system. Still the committee have endeavored to guard, in several ways, against making their whole plan of finance dependent upon the continuance of the present land system.

In the first place, they have thought that the revolutionary pensions being now put upon the footing, not of bounty, but of the payment of revolutionary debt, (for which the public lands were so often pledged as security,) that the income from this source might well be appropriated, for a time, to the discharge of such pensions. This appropriation would not last long; for, although I hope and trust that very many of the soldiers of the revolution will continue long to enjoy this late and tardy recompense for their services, yet, according to the laws of nature, the aggregate number must very rapidly diminish. Above one-third of them, as I learn from an actual return from the Pension Office, laid before the Committee of Ways and Means for a different purpose, are over the age of seventy-five years, and nine-tenths of them are over seventy. It is therefore certain, according to the probabilities of human life, that although some of these annuities may continue for very many years, yet the great mass of them must shortly terminate.

I will observe, by the way, that it was with reference to this circumstance, that the estimate of two millions a year for all the revolutionary pensioners has been adopted by the committee. This has been noted as a gross error by the gentleman from Pennsylvania, [Mr. McKennan,] because a report from the Pension Office states the amount now to be something above two millions and a half a year. A surplus revenue has been allowed to meet the small excess of the present charge, and it is a matter of strict calculation according to those general laws as to the probability of human life, which, on a large scale, never fail, that this annuity upon such ages diminishes by so rapid and regular a decrease every year, that two millions will be more than the average required for the next six years.

To return, then; this annual payment, by the stern and unsparing laws of nature, diminishes so rapidly that, at the end of a very few years, the treasury may easily spare the whole of the proceeds of the public lands. But the legislation of Congress may, perhaps, be more speedy, and divert this fund to other objects at a much earlier period. That event the committee have also endeavored to anticipate and obviate. It is presumed, in the first place, that if the income of these lands is taken away from the treasury, it will be taken, as the lawyers say, *cum onere*, that is to say, subject to the burdens necessarily belonging to it: these are, the cost of the sales and surveys of the land, and the Indian annuities regularly paid as the consideration of their purchase, amounting to more than half a million of dollars a year. One of the objects to which this money is to be applied by the States to whom it is contemplated to be granted, is internal improvements. If the States assume this expense, the General Government will be relieved from it, and this has generally amounted to about a million of dollars a year. Thus far, then, if the public lands are taken away, while our revenue will be diminished, our expenditure will also be diminished, though in a less proportion, leaving a deficiency to be supplied from some other source. This the committee have endeavored to do, by increasing or restoring the duties on silks, tea, and coffee, which might not otherwise have been wanted.

I shall now come to another class of objections. These are in regard to the amount of revenue to be derived from this bill. It is indeed difficult to reply to all these. They remind me of the story told of (I think) Dean Swift, who once asked an acquaintance, "Did you ever find any good weather in the course of your life?" The other replied, "Yes, thank heaven! a great deal."

"Now," said the cynical wit, "I never did; I have always found it too hot or too cold, too wet or too dry." Our poor bill has met with even harder censures than that of Swift upon the weather. It is not only too hot or too cold, too wet and too dry, too high and too low alternately, but all of them at the same time. One gentleman undertakes to prove that it will leave the treasury naked, bare, and desolate as the sea shore at low water, while others pledge themselves to prove that it will bring in such a tide of importation, as will sweep away all the manufactories, and fill the treasury to overflowing.

To all this I have only to reply, that the committee, in their estimates, may have erred somewhat on one side or the other, but that these estimates were not arbitrarily assumed, but were grounded upon well known general laws of importation, consumption, and increase of population, which, like the calculations of insurance or annuities, may fail, in special cases, or in any given year, but always hold good in the main. They have made a calculation of the effect of their bill upon the actual importation of a certain year, that of 1831, for they thought that this would produce a more certain and practical result than could be obtained in any other way. This, it is true, was a year of higher importation than ordinary, though about the same as that of 1832. The committee believed that this excess over the average of former years, though it might perhaps fall short in this or the next year, would not fall short of the average of several years to come, taken together, under the operations of the new bill. They have stated their reasons for this in their report, and I need not minutely recapitulate them. Every year gives us an increase of population as well as wealth, and a consequent increase of consumption, and the means to pay for foreign goods by our own manufactures, or products of the soil, fitted for foreign export.

In the next place, the consumers are free from an amount of ten or twelve millions a year, which have been heretofore levied in duties upon the people, and remitted abroad in payment of the principal and interest of our debt. This will, hereafter, be returned to our own shores in various commodities, some of utility, and some of luxury, according to the demands of the people. The reduction of several almost prohibitory duties will also promote an increased importation. All these causes, it is confidently believed, will raise the average annual importation for several successive years hereafter, to the amount, and perhaps above the amount, assumed by the committee. But it does not, therefore, follow that this increase will be excessive and enormous, or will swell up to an indefinite extent. What we buy we must pay for; and the value of our imports must be regulated by that of our exports, including profits of trade and navigation. All these may be considerably increased by a wiser and milder revenue system, but certainly not to an indefinite extent.

As an example of the operation of this bill upon the increase of importation, let us take two or three prominent articles. Iron, for instance. The great mass of this article, consumed in this country, especially in the interior, is of domestic product, and securely protected from much foreign competition by the mere cost of transportation. But the commoner qualities of the rolled English iron, which answers for ordinary smith's work, and no other purpose, are so very cheap, in spite of the high duties, that it supplies a great part of the consumption of the whole of our Atlantic coast and cities, North and South. It is not fit for more valuable purposes, and a diminution of the duties will increase its consumption but very little. The better sort of hammered iron from the North of Europe, on the other hand, is used for machinery, steam engines, shipbuilding, &c., and as much as is wanted for such purposes must be had at any price. Of these two qualities of iron, the best and worst, a diminution of duties would not much increase the consumption, and would, in fact, be a diminution of revenue; and between these two comes the better sort of English rolled iron, which is now nearly or wholly excluded from our consumption, by the high duties. Under diminished duties, some of this would be imported for the consumption of the cities and the Atlantic coast, though it is not probable that it would much affect the market of the interior. Thus the treasury would gain something by a diminished duty on one kind of iron, while it would lose by a diminution on the best and worse sorts.

Thus, again, in cotton goods. The very cheap qualities, forming the mass of our consumption, are protected, by the cheapness of their production, from any serious competition of foreign importation here, under even a low rate of duty. The finer sorts of cotton goods, that is to say, those above fifteen cents a yard, are already imported to the amount of five or six millions a year, in spite of the operation of the present minimum system, and a diminution of duties would not probably increase the revenue. The importation might be increased, but not more than to make up the difference of duties. The main operation of the proposed change will be, the admitting certain cotton goods between the two classes I have mentioned. The revenue then, from cotton goods, I believe, will stand pretty much as at present.

On the article of spirits, I presume the revenue will be increased; but it will be because it will increase the exportation of our agricultural products. If more of this article is imported, more provisions, flour, corn meal, butter and cheese, &c. will be exported to the West Indies. Here will be some increase of income, notwithstanding a considerable diminution of duty.

In going over the items of the bill, similar results, none of them precisely accurate, though all of them probable, lead to the conclusion that the estimate presented by the committee cannot be very far from the fact. As they do not claim to be prophets in political economy, this is all the respect they can ask for their estimates. They have been accused of having been precipitate in preparing the bill, without documents or information. They can only say that they have been, individually, for a year and a half, during the present Congress, to say nothing of preceding experience, doing little else than looking at the tariff in different lights, reading documents about it, and hearing arguments. They had all the information which enabled the late Committee on Manufactures and the Secretary of the Treasury, last year, to prepare and present their bill; and they believed a good deal more. If they had been, as had been accurately calculated by a gentleman from Pennsylvania, but eighteen days in preparing their bill, as a committee, it was because they had been eighteen months in studying the subject beforehand.

We have not, however, the vanity to presume that we have framed a perfect bill. We have no pride of opinion on this subject that can prevent us from listening with pleasure to any suggestions intended not to destroy, but to improve the bill; and if good reasons are shown for so doing, we are willing to accept any amendments which may make the language of the bill more clear, precise, or comprehensive, which will proportion the duties more justly, or which will adjust more equitably the several periods of the gradual reduction. All that we claim of this House is, that the bill should be received in the same spirit of frankness in which it is presented, and not assailed with vague and contradictory objections, without the offer of any better plan of impost, either in whole or in part.

I have at last reached, after wandering through this wilderness of objection, the immediate question now before us, and this relates to the duty on tea and coffee.

These duties, if very moderate, are, in fact, just in themselves. For they are very much in the nature of a direct tax, being upon objects of general consumption, and, at the same time, bear more lightly, in proportion, on the poor than on the wealthy. Averaging the aggregate consumption of tea throughout the nation, it is about half a pound a head a year, and of coffee about two pounds. Every housekeeper in affluence, or even easy circumstances, knows that his own consumption is in a much greater proportion.

I can boast having always been a friend, and on one occasion an efficient friend, to the importers as well as to the consumers of those innocent luxuries. The duties some years ago were a hundred per cent. upon the cost of these articles, and I can look back with pleasure to the part which I bore as a member of the Committee of Ways and Means, in a former Congress, in reducing them to one-third of their former rates. The duties now proposed are still lower, and, as the committee proposes to amend them, not more than sixteen or eighteen per cent. These duties have been added, as I before suggested, as a precaution against any deficiency of the revenue from the withdrawal of the proceeds of the lands, or any other cause whatever. I will also add, for the satisfaction of one of my Connecticut friends, [Mr. ELLSWORTH,] who questioned me on that point, that they were added on the protective principle. They were put in to secure sufficient revenue in any case, but if that revenue were too much, that then, either these duties might be repealed, or else these, together with all others, uniformly diminished, by a small reduction, spread over many articles. In either case, avoiding the hazard of any large and unexpected reduction of any product or manufacture, which may, as I believe most will, be efficiently protected under this proposed revenue tariff.

I intended here to close these desultory observations and explanations, postponing the defence of other details of the bill until we reach them in regular order, or leaving them to the support of my colleagues of the Committee of Ways and Means. But there is one other topic that I cannot wholly pass over. Still I mean to speak of it but briefly.

We have heard, in the course of this discussion, from various quarters, that this bill for reducing the revenue and the duties on imports, was not called for from any large portion of the people; that it was prompted and dictated by the menacing attitude of South Carolina; that that menacing attitude alone was a sufficient reason why this bill should not now pass. It has been called a measure of concession to South Carolina. I think, too, I heard it termed a measure of submission. We were told by a gentleman from Pennsylvania, [Mr. MCKENNAN,] that, in presenting this bill, "the Committee of Ways and Means had taken counsel only of their fears."

Fears! Mr. Chairman—fears! Let us not be deceived by the sound of words. This same word, fear, has various and widely differing meanings. Personal fear is a miserable weakness. It degrades the individual, rendering him useless to himself and to others, in the noblest acts and most precious duties of life. Political cowardice is just as hurtful and despicable in a higher sphere and a wider range of influence. But this sort of cowardice springs always from base and narrow selfishness; from the little, dirty, personal motives of small politicians, whether in high or low stations. And it is in its trembling anxiety to guard or gain petty interests, or attain petty ends, that it betrays or sacrifices the public weal. I cannot for a moment insult my worthy high-minded colleagues on the committee, by thinking it possible that such a cowardice had for a moment influenced their decisions. I should blush for myself if it had ever mastered my own thoughts for a moment.

There are, however, other fears of a different sort. There may be a fear of taxing the citizen to enrich the treasury, and a fear of weakening the bonds of union, the strongest bonds of union—the bonds of willing hearts, the feelings of loyal attachment to this Government, by unnecessary taxation. Fears for the public peace—fears not of any present danger, but for the permanent stability of our constitution. For such fears, in myself or in my friends, I cannot blush.

What now is the true state of the case, in regard to the motives which may have led to the recommendation and introduction of this bill, and which may justify its now passing into a law?

We have arrived at a period in the financial history of our Union, when we can still further, and without hazard, diminish the revenue and lighten the taxation, direct and indirect, of the whole people. Against the continuance of some of these burdens seven States of our confederacy have more than once (and some of them again, within a month or two) remonstrated as oppressive and unconstitutional. Large classes and numerous bodies of citizens in other portions of the country, together with, I believe, two of our Northern States in their sovereign capacity, (New Hampshire and Maine,) have re-echoed this complaint, though with an important variation. They have said that such taxes were not unconstitutional, but oppressive and unjust. Be it that these complaints were quite unfounded. Be it that the laws were constitutional. I have myself held and avowed the latter opinion. Be it that the duties were equal, just, and, when wanted for the treasury, useful. Still, the firm and deep-rooted conviction, not of South Carolina alone, but of nearly the whole South, and of thousands of citizens throughout the Northern and navigating States, is that which they have so often urged upon us. They think themselves oppressed. Shall, then, the majority of this people continue to impose upon the minority, (and a large minority too,) even for another year, burdens which that minority believe to be oppressive; and this for the sake of collecting taxes which are no longer needed? Is this right? Is it just? Is it wise and statesmanlike? Is it even prudent?

I grant—no one can do it more willingly—that this Government has the constitutional power to impose these duties, and the actual power to retain and enforce them. What then? Because we may have a giant's strength, does it become us to use it like a giant? What is true of all civil power, is especially and peculiarly true of our federal legislation. If we would have it work much good and no evil; if we wish it to last long, and command willing obedience, it must be exercised moderately, kindly, gently. But if, from the fear of growing weak, we insist upon our Government's constantly putting forth its whole strength, we shall at last find that strength perish in the using.

Above all, is it right, just, wise, or magnanimous, to refuse relief craved from our hands, constitutionally, respectfully, patiently, by so many States, by so many thousands of citizens, merely because harsher and sterner demands for larger concessions are made from another quarter?

To do so would be indeed to "take counsel of our fears"—and a fear, too, of the worst kind; it is the fear of doing right, lest we should, in some way or other, degrade ourselves in doing it. I have often seen this weakness in social life, and have sometimes deplored it as an infirmity of a noble mind. But it is oftener the accompaniment of pride, weakness, passion, or folly. It is the offspring of a false and spurious honor, which the wise man condemns, over which the good man may mourn, but which the truly brave must despise. Its mischiefs are enormous, incalculable. It perpetuates quarrels that should have passed away with the temporary cause, and inflames them into lasting hatred. Often has it rent apart long and old friendships, and ended them forever in blood and death. Often has it separated families, and banished peace forever from the domestic hearth. Often it has made brothers strangers and enemies to each other.

If we permit this false and spurious counterfeit, wearing the mask of honor, and assuming the port of courage, to mix in our councils, now and here on this floor, we must not hope to avoid similar results in our great national family. But how vast in their reach! How wide in their influence! How lasting! History is full of lessons to this effect. This spirit of false pride, hesitating at slow and reluctant justice, when frank and magnanimous concession was demanded, has overthrown great and ancient Governments. It has rent asunder mighty States. I will not prognosticate evils of equal magnitude to our own country. But far from us, and far from our public councils, be the poor cowardice of pride which dares not to be just, or even prudent, lest it should be thought timid.

Therefore it is that I hold it to be not less the dictate of political foresight, than the evidence of a true and calm and wise magnanimity, to act upon this subject in all respects as if South Carolina had assumed no other ground in relation to it than that taken by New Hampshire, by North Carolina, Georgia, Alabama, Mississippi, and Virginia. Thus, and thus only, it seems to me, can we comply with the true spirit of the noble maxim which we have heard repeated more than once in this discussion—Do justice, and fear not. Let us do justice first, and we have naught to fear.

The committee then rose, and the House adjourned.

Saturday, January 19.

MANUFACTURES, &c.

The House having again taken up the resolutions offered by Mr. Adams,

Mr. STEWART resumed the course of his remarks. After briefly recapitulating the substance of what he had advanced the day before, he proceeded to observe—

That the Secretary, in urging reasons for the reduction of existing duties on imports, had given as one of those reasons, that a heavy burden of taxation was imposed on particular classes of our citizens; and that these acts had passed by "slender majorities." Now, Mr. S. believed that the bill of last session passed by the very slender majority of more than two to one, in both branches of the Legislature. A "slender" majority, indeed! But the Secretary insisted that a heavy burden of taxation was imposed upon the whole community for the benefit of certain favored classes. Mr. S. would like to know where the Secretary got the evidence of this. How had he arrived at the fact? The duties were laid, not on American manufactures, but on those from abroad. It would not be denied that these duties were paid, in the first instance, by the foreign importer. Now, if the price of these goods was increased by the amount of duty imposed, then a burden was undoubtedly laid upon the people who consumed them; but if not, then no burden was imposed upon them, but on the foreigner only. The question of tax or no tax turned entirely upon this fact. Now, Mr. S. would like to have the real fact on the subject officially stated. Had the tariffs of 1824 and 1828 produced any increase of prices? A statement from the Secretary would show whether they had or not. Mr. S. therefore wished to modify the call so as to require the Secretary to lay before the House a tabular statement of the prices before, and the prices after, the passage of those two acts. The exhibition of such a table would enable the House and the nation to see whether duties were burdens on our people or not. He had given to this subject some examination; and he affirmed (and he believed the Secretary's testimony would go to sustain him) that prices, instead of being raised, had been diminished after those laws passed. If that were the fact, then what became of the Secretary's argument about taxation and burdens?

He should like to get another piece of information. He should like to see the prices of articles not made in this country, before and after the reduction of duties. He wished to see whether those prices had come down in consequence of such reduction. If not, then it was certain that the foreigner had pocketed the whole reduction of duty, without our people deriving any benefit whatever from it.

He would not say that the rule held equally on protected and unprotected articles. But he said that the effect of competition was such as to keep the prices the same, let the duty be as it would; and that, if the foreigner brought goods into the country under such circumstances, he paid the duty himself. Suppose, for example, the duty on foreign hats should be five dollars a hat, would any gentleman pretend that we would have to pay any more for hats than we paid now? Would the duty add five cents to the price of the article? Would it add one cent? No, not a mill. If the foreigner chose to import British hats, he must pay the five dollars on them. That was all. It was a mere fallacy, a perfect delusion, that protecting duties imposed permanent burdens on the people. The whole experience of the country went to prove that it was not true. Wherever American competition had established an American price, the foreigner must be governed by it, no matter what amount of duty he had to pay.

When the tariff of 1828 had passed, invoices would show that the foreign manufacturer put down his prices exactly by the amount of the duty imposed; and thus the whole tax fell upon the foreigner, and the American people were relieved to just that amount of taxation, and the interests of agriculture and all other branches of domestic industry were proportionably advanced and strengthened.

The Secretary called upon the House to reduce the duties laid by the act of last year, as a concession and compromise of the difficulties with the South. Yet the Secretary himself, in the very same report, had admitted that the act of last year contained most important concessions to Southern wishes and feelings, [Here Mr. S. quoted the report,] showing that this law had abolished what the Secretary called the oppressive system of minimums. The Secretary further declared that it had reduced, nay, almost totally repealed, the duties on the clothing of the laborers of the Southern and Southwestern States. But that was not all that that bill had done for the South. It had greatly increased the consumption of Southern products, and had, in fact, substituted the use of cotton, instead of linen and woollen fabrics. So says the report. Here were important concessions to the South. How much more was to be required? Before the bill had gone into operation, the Secretary came to the House, and told them they must make further concessions; and, if they did it, he presumed, before this bill should take effect, they would be told that still more must be given up. It was well known that, in proportion as concession followed concession, the appetite for concession increased. For himself he was opposed, utterly opposed, to this business of surrender after surrender, and concession after concession. He thought, if this was to be the game, it would be best to give up the whole at once, and not thus be dying by inches. This would soon bring a voice from the people that would set all right again; and this very Secretary of the Treasury would himself be the first to come to that House and beg them to retrace their steps.

Mr. S. believed that the time of further concession had not yet come. But the Secretary himself had furnished an unanswerable argument against this bill.

[Here Mr. S. again quoted the report.]

The Secretary took the ground that Congress ought to provide for our own manufacturing industry an adequate protection against the "superior capital, skill, and cheap labor of foreign countries." Did this bill provide any such protection? It did not. Yet the gentleman from New York [Mr. HOFFMAN] had informed the House that the bill met with the Secretary's approbation. Mr. S. could with difficulty believe it.

Here the CHAIR interposed, and said that the debate was taking too wide a range, as the bill was not now under discussion.

Mr. S. thereupon observed that he would abstain from further remark, but desired to know whether the gentleman from Massachusetts was willing to accept the alteration he had suggested, and so to modify his resolution as to call upon the Secretary of the Treasury alone, who had in his report adopted the views of the President, and almost in his very words. It was, therefore, he thought, unnecessary to distract the attention of the President (already sufficiently occupied) with this subject.

Mr. ADAMS said that, if the gentleman from Pennsylvania had paid the same attention to the message of the President as his remarks evinced that he had done to the report of the Secretary of the Treasury, he would himself have been convinced that it was too much to ask of him so to alter his resolution as to call upon the Secretary to explain what the Secretary had said nothing about. It was not the Secretary, but the President, who had recommended to Congress to commence a withdrawal of all permanent protection on American manufactures, and the ultimate limitation of it to those articles alone which were indispensable to the country in time of war. The Secretary had said no such thing. His report contained no intimation that protection was ultimately to be confined to articles necessary in war. The call upon the Secretary had reference to that clause in his report in which he had declared to Congress that the revenue might be diminished six millions of dollars without prejudice to the just claims of existing establishments. That passage spoke of those establishments without discrimination, without specifying any particular manufacture to which he alluded more than another. Now, the Secretary should have Mr. A.'s vote, and if he had a hundred votes, or a thousand, the Secretary should have them all, if he or any other gentleman in that House, or any man in the nation, could bring a bill into the House which should effect that object. Any man that could reduce the duties by six millions of dollars, without prejudice to existing establishments, should have his vote--ay, and his heart too. As to the question, abstractedly considered, whether it was desirable to reduce the duties on the people, there was but one opinion. All would say, yes; reduce them, by all means, if it could be done. Mr. A. would do it in a moment, with all his heart and soul, if any gentleman would show him how he could do it without prejudicing existing establishments. That was what the Secretary told the House they had to do. What Mr. A. wanted was, that the Secretary should come at once to the point, and tell them what the articles were to which he referred, and how the reduction was to be made so as to accomplish that end. This was all he wanted. This, and this alone, was the object of his resolution. He wanted information. He was willing to give to the Secretary every confidence, as an honest and an honorable man. And if he could propose a bill, or a modification of the bill now before the House, such as should effect the object he had stated, then Mr. A. repeated that he should have his vote, and his heart. The Secretary said he could do this. Mr. A. wanted to know how he could do this.

The other resolution had a different object in view. It called for a different list of articles. It referred to the message of the President, not to the report of the Secretary. He could not amalgamate the two. He called upon the Secretary to explain what he had himself said, and what it was of extreme importance the House should understand. But he did not call on the Secretary to tell him the meaning of what the President had said.

While he was up, he would take the opportunity of saying a few words in reply to what had yesterday fallen from the gentleman from New York, [Mr. HOFFMAN.] That gentleman had told the House that one of these resolutions was no stranger to him. This was true. Mr. A. had offered it before, in the Committee on Manufactures. But the other resolution, making a call upon the President of the United States, he could not of course offer in that committee, because it did not consist with etiquette for a committee to communicate directly with the head of the Executive Department. The two Houses of Congress and the President of the United States communicated directly with each other. If a committee wanted information from one of the President's Secretaries, it might communicate its wishes to him in the form of a direction, because Congress had power to direct him. But it must address the Executive only through the House, and then in the form of a request. Therefore, he had used a different phraseology in drawing up the two resolutions. It was very true that the first of these resolutions had been discussed for several days in the Committee on Manufactures, and that he had been unable in that committee to obtain a vote for this call.

The gentleman could no doubt inform the House why he had not succeeded. For Mr. A. remembered to have heard in committee the very same argument, and indeed, as he believed, in nearly the same words which had now been addressed to the House, with a view to convince the committee that the information sought was wholly unnecessary. And yet, after the gentleman had proved this, (as no doubt he thought he had,) that same gentleman had gone privately to the Secretary, and asked for the very same thing which he had refused Mr. A. liberty to call for in the Committee on Manufactures. And what was the result? The Secretary had told the gentleman that he was well satisfied with the bill now before the House. Be it so. Was that any answer to Mr. A.'s question? Was that any answer to his call? He had not asked the Secretary whether he was or was not satisfied with the bill. That was the Secretary's concern—not his. For himself, he was as little concerned as the gentleman from New York could be, what the opinion of the Secretary was. What he wanted was, that the Secretary should specify how and on what articles the duties might be reduced, so as to diminish the revenue six millions, without injury to the manufacturing establishments. And he wanted this in order to govern his action in that House. Should the House gratify him with granting the call, and should the Secretary specify accordingly, then he would put down a list of such articles as he considered to be articles made in existing establishments, and on which duties might be so reduced without injuring those establishments, as to diminish the revenue by the amount of six millions. If the result should comport with the provisions of the bill now introduced by the Committee of Ways and Means, then the House would know what the Secretary really meant.

Mr. A. had an impression that the bill would not so operate, and so had the Secretary of the Treasury. For there were existing establishments which had already made known to that officer that they should suffer, and suffer most deeply, if the bill became a law. As to the reduction of the revenue six millions of dollars, how that was to be effected by adding a duty on tea and coffee, was beyond his comprehension, and it was equally beyond his comprehension how the revenue was to be reduced that amount by this bill. In point of fact, this very bill, this new experiment of the Committee of Ways and Means, was itself an additional reason for making the call. Mr. A. wanted to know whether this really was the bill that was expected thus to reduce the revenue.

At this point the hour for resolutions expired, and the debate was suspended.

The House then resolved itself into Committee of the Whole on the state of the Union, Mr. Wayne in the chair, and resumed the consideration of the

TARIFF BILL.

Mr. JENIFER, of Maryland, said that, if the committee were now prepared to take the question upon the motion of the gentleman from Connecticut, [Mr. Huntington,] to strike out the duty upon teas and coffee, he would waive his claim to the floor, and permit the vote to be taken. If they were not, he should proceed to express his opinion upon the merits of the bill. Differing, as he did, from the friends of the protective system on several essential points which had been urged in the course of the discussion, and agreeing with the Committee of Ways and Means in many of the general views presented in their report, he should make no apology for asking the attention of the committee for a few moments.

Mr. J. said it was apparent to all, that we had arrived at a crisis momentous in the affairs of this nation. The public debt was about to be extinguished; the duties on imports reduced to a revenue standard; and such a financial system adopted, as may restore peace and harmony to the country.

To accomplish objects so desirable, Mr. J. felt assured that there could not be an individual in that House who would not yield something; for himself he was prepared to go far, very far indeed, to yield preconceived opinions upon the much vexed and vexing subject of the tariff, in adopting such a course of legislation as would reconcile conflicting interests; satisfy, if possible, the divisions among us; and promote a kinder and better feeling between different sections of the Union. In doing this, he should not be deterred, lest he might be supposed to sanction the doctrines of nullification, or not sufficiently advocate those of the proclamation. Mr. J. regretted the introduction of those topics at the present time; nor did he view them as necessary to a satisfactory adjustment of the tariff; and, although other gentlemen had, in the course of this debate, felt themselves called on to denounce the one and applaud the other, he did not look upon this as the proper occasion for the discussion of those subjects, more especially as, no doubt, an opportunity would be afforded in due season by the committee who have them in charge: for, "sufficient for the day will be the evil thereof," when this or any future Congress shall have to decide between the danger of nullification and consolidation; and still more to be deplored that hour, when the doctrines of either shall have to be enforced at the point of the bayonet.

Mr. J. said he did not consider it good policy in the friends of protection, in the existing state of excitement throughout the country, to urge the continuation of higher duties, or to a longer period, than was indispensably necessary to save from disaster the great interests which had grown up under it. He considered the period fast approaching, when the people of the country expected, and would demand, a reduction of the revenue to the proper expenditures of the Government. Was it not wise, then, to provide in time for a state of things which sooner or later must arrive?

Mr. J. said he did not agree with the friends of the tariff, that laws passed for protection necessarily implied an indefinite continuation of them; or that a reduction or repeal of the duties, as had been assumed, would be a "violation of the plighted faith of the nation." Were he to admit those premises, he should come to the conclusion that an increase of the duties was an equal violation.

When the tariff laws of 1816 were enacted, the friends of protection no doubt looked for, and had a right to expect, a continuation of those duties until the manufactures to be grown up under them were beyond the reach of contingency. But the opponents of the system never imagined that an increase of those duties was contemplated. The error seems to have been, that both parties have looked more to individual and sectional interest, than to that of the community at large.

The principle is certainly correct, that no law, whether for increase or reduction of duties, for revenue or protection, or any other object, should be continued longer than the interests of the country demand it. It is, therefore, a question of general expediency alone, whether those laws should be changed, and at what time such change should be made. And here Mr. J. said he concurred with the Committee of Ways and Means in that part of the report where they say that "the extinguishment of the public debt, and the commencement of the new Presidential term, make this a fit season for permanent fiscal regulations." It is vitally important, too, to all engaged in any of those numerous commercial, manufacturing, or agricultural enterprises, which are affected by changes in the rates of imposts, and are more exposed to suffer from uncertainty than even error in legislation, now to know the intention and policy of this Government in regard to their several interests. The occasion of economical reduction affords a propitious opportunity to make such a readjustment of the rates of impost as may distribute and equalize, amongst all, those burdens which may be found to fall unequally upon any.

The report of the committee contains several important propositions:

1st. A reduction of the revenue to the proper expenditures of the Government.

2d. An equal distribution of duties, so that none may have a right to complain.

3d. A readjustment of the rates of impost, as may distribute and equalize, amongst all, those burdens which may be found to fall unequally upon any.

And we are presented with a bill, which, if adopted, the committee say, "may serve as a basis for a financial system for many years."

Mr. J. expressed his approbation of the general views embraced in the report, and should not now urge any objection whatever, except as related to the public domain, to which the committee had briefly referred. That subject, he hoped, would be, by the present Congress, so disposed of, that all the States would be placed upon a fair and equitable footing. It was one in which they were all greatly interested, and none more so than the State which he, in part, represented on that floor. He believed that, to a fair and just distribution of the proceeds of the public lands, whatever importance may have been attached to other subjects, would ultimately depend the perpetuity of this Union. As the subject, however, had not yet come up from the committee especially entrusted with it, he should forbear any further remarks until it was under the consideration of the House.

Mr. J. said that, if he could believe that the bill from the Committee of Ways and Means could realize the fair language of the report, he should take it as it was, however apparent its defects. The bright prospects held out in the report, would, if realized, ensure permanency to our laws, establish confidence in our legislation, and afford a security that we were acting for the benefit of the whole, and not for the preservation of particular interests, to the injury of others; not for the relief of one section of the Union, to the ruin of another.

How far the bill was calculated to accomplish these desirable objects; how far "the rates of impost are equally distributed amongst all;" how long it is like to "serve as a basis for a financial system;" and to whom it may prove satisfactory, may be conjectured by an examination of its details. Let us look at our present position. A law passed by the present Congress, at its last session, as late as the month of July, "regulating the duties upon imports;" a law which occupied the almost exclusive attention of able committees, in both Houses, for several months; which committees had before them the reports of, and facts collected by, two conventions, composed of men of the best practical talents of our country, with such further facts as they deemed it proper to obtain, together with all the lights that could emanate from the Treasury Department; a law reducing the revenue some six or eight millions of dollars, not yet gone into operation, is proposed to be virtually repealed, and by a bill which could not have been before the Committee of Ways and Means more than sixteen or twenty days, and which is proposed as the "basis" of a permanent financial system. Has the law of last session no claim to the favorable consideration of the committee, at least as a "basis for a financial system?"

The great anxiety felt throughout the country, upon the subject, had called the attention of both the friends and opponents of the tariff to their then conflicting opinions, and which gave rise to the two conventions of 1831, held at New York and Philadelphia, before adverted to.

The Representatives here, having the benefit of the results of those conventions; the reports of their own committees; the developments of the views of the Secretary of the Treasury, after bestowing upon the subject unprecedented time, labor, and talent, discussing every item at large, passed the act of July last, in which much concession was made to preserve the peace and quiet of the country, by a vote of this House of 132 to 65, being a majority of 67.

In the Senate, the vote stood upon its final passage, 32 to 16.

The act was approved by the Executive, and, as far as we can judge, sanctioned by the people of the United States. The presses throughout the country, except in a certain section, and more particularly those presses favorable to the administration, lauded the great reduction of the revenue as effected by that law.

Can it be expected that any law involving so much interest, the principles of which have been so long contested, will ever attain a larger vote than the act of July last? Would not this, then, have been a much more satisfactory "basis" for reduction of the revenue, than the present bill? The committee propose to reduce the revenue to fifteen millions of dollars annually, taking that amount as necessary to meet the liberal wants of the Government.

To this Mr. J. saw no objection; he presumed that the committee had correctly informed themselves what amount of revenue was required by the Government, and he was willing to take $15,000,000 as the revenue standard. Why not, then, lay a gradual prospective reduction, equal in its operation upon the duties under the law of 1832, until the revenue was brought down to $15,000,000? This would meet the only principle contained in the present bill, to wit, reduction; if there were any other principle in it, it had escaped his notice. The following list will show how the bill "equalizes the duties on imports," and how equally the rates of impost are distributed.

Mr. J. said he would call the attention of the committee to a statement of some of the rates of duty under the bill before the House, to March, 1834, to March, 1835, and after the 2d of March, 1835.

ARTICLES.	To 2d March, 1834.	To March, 1835.	After March, 1835.	
	per ct.	per ct.	per ct.	
Woollens, worsted, and worsted twist, and yarn, a duty of -	35	25	15	Permanent duty.
Worsted stuff goods of all kinds,	10	10	10	
Woollens not exceeding 35 cents square yard, - - - - -	5	5	5	
Blankets not exceeding 75 cents cost, - - - - - -	5	5	5	
Cottons not exceeding 25 cents square yard, - - - - -	30	20	20	
Twist, yarn, and thread, - -	20	10	10	
All manufactures of flax, hemp, sail duck, and cotton bagging,	15	15	15	
Sheet iron, - - - - -	112	-	93	Special duty.
Bar iron, - - - - - - -	95	-	76	
Nails, - - - - - -	78	-	62	
Spikes, - - - - - -	96	-	72	
Coal, - - - - - -	47	-	47	
Brown sugar, - - - - -	58	-	46	
Salt, - - - - - - -	62½	-	39	
Molasses, - - - - - -	28	-	28	
Coffee, - - - - - -	13	-	13	
Teas, - - - - - - -	29	-	29	

Lace goods of all kinds, gold and silver articles, and pearl, at a duty of seven and a half per cent. And this is what the committee call in their report, "an equal distribution of the rates of impost."

While woollens, after March, 1835, will be imported under a permanent duty of five and fifteen per cent.; coarse blankets at five per cent.; cottons from ten to twenty per cent.; manufactures of flax, hemp, and sail duck at fifteen per cent.; those articles which are consumed to a large amount in the production of those manufactures, such as brown sugar, tea, coffee, salt, and molasses, are taxed from thirteen to forty-six per cent.; iron and coal ranging from forty-seven to ninety-three per cent., a permanent specific duty. Is this inequality calculated to give satisfaction, or is the bill such a one as we had a right to expect from the report? Will the country be satisfied to take this as a permanent system? Pennsylvania, New Jersey, and Louisiana may. It is very certain the North and East cannot. The planters and farmers of the South and West must first be convinced that it is right, in the fiscal arrangements of the Government, that one class of articles should be taxed at an average duty of more than seventy-five per cent., such as iron, and another class equally entitled to protection, at a general average of ten per cent., before they can give their sanction to this mode of equalization of duties as a permanent system. Who then will be satisfied? New York, provided she ensures by it the accomplishment of her ulterior object.

Why is it that luxuries of limited use, such as laces, gold and silver articles, and those of pearl, should be permitted to come in under a duty of seven and a half per cent., while you impose a permanent average duty of more than twenty per cent. upon those articles of universal consumption, teas and coffee, and which do not come in competition with American industry? Mr. J. said he detested the use of "*ad captandum*" arguments in any deliberative body. But, sir, there are details which cannot be avoided; the examination of which clearly show that the bill in its present form will not accomplish the object professed in the report. The honorable chairman, [Mr. Verplanck,] who so feelingly addressed the committee, asks us, "Shall we refuse to release seven or nine of the States from the burdens of which they complain?"

reduced that amount by this bill. In point of fact, this very bill, this new experiment of the Committee of Ways and Means, was itself an additional reason for making the call. Mr. A. wanted to know whether this really was the bill that was expected thus to reduce the revenue.

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To accomplish objects so desirable, Mr. J. felt assured that there could not be an individual in that House who would not yield something; for himself he was prepared to go far, very far indeed, to yield preconceived opinions upon the much vexed and vexing subject of the tariff, in adopting such a course of legislation as would reconcile conflicting interests; satisfy, if possible, the divisions among us; and promote a kinder and better feeling between different sections of the Union. In doing this, he should not be deterred, lest he might be supposed to sanction the doctrines of nullification, or not sufficiently advocate those of the proclamation. Mr. J. regretted the introduction of those topics at the present time; nor did he view them as necessary to a satisfactory adjustment of the tariff; and, although other gentlemen had, in the course of this debate, felt themselves called on to denounce the one and applaud the other, he did not look upon this as the proper occasion for the discussion of those subjects, more especially as, no doubt, an opportunity would be afforded in due season by the committee who have them in charge: for, "sufficient for the day will be the evil thereof," when this or any future Congress shall have to decide between the danger of nullification and consolidation; and still more to be deplored that hour, when the doctrines of either shall have to be enforced at the point of the bayonet.

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3d. A readjustment of the rates of impost, as may distribute and equalize, amongst all, those burdens which may be found to fall unequally upon any.

And we are presented with a bill, which, if adopted, the committee say, "may serve as a basis for a financial system for many years."

Mr. J. expressed his approbation of the general views embraced in the report, and should not now urge any objection whatever, except as related to the public domain, to which the committee had briefly referred. That subject, he hoped, would be, by the present Congress, so disposed of, that all the States would be placed upon a fair and equitable footing. It was one in which they were all greatly interested, and none more so than the State which he, in part, represented on that floor. He believed that, to a fair and just distribution of the proceeds of the public lands, whatever importance may have been attached to other subjects, would ultimately depend the perpetuity of this Union. As the subject, however, had not yet come up from the committee especially entrusted with it, he should forbear any further remarks until it was under the consideration of the House.

Mr. J. said that, if he could believe that the bill from the Committee of Ways and Means could realize the fair language of the report, he should take it as it was, however apparent its defects. The bright prospects held out in the report, would, if realized, ensure permanency to our laws, establish confidence in our legislation, and afford a security that we were acting for the benefit of the whole, and not for the preservation of particular interests, to the injury of others; not for the relief of one section of the Union, to the ruin of another.

How far the bill was calculated to accomplish these desirable objects; how far "the rates of impost are equally distributed amongst all;" how long it is like to "serve as a basis for a financial system;" and to whom it may prove satisfactory, may be conjectured by an examination of its details. Let us look at our present position. A law passed by the present Congress, at its last session, as late as the month of July, "regulating the duties upon imports;" a law which occupied the almost exclusive attention of able committees, in both Houses, for several months; which committees had before them the reports of, and facts collected by, two conventions, composed of men of the best practical talents of our country, with such further facts as they deemed it proper to obtain, together with all the lights that could emanate from the Treasury Department; a law reducing the revenue some six or eight millions of dollars, not yet gone into operation, is proposed to be virtually repealed, and by a bill which could not have been before the Committee of Ways and Means more than sixteen or twenty days, and which is proposed as the "basis" of a permanent financial system. Has the law of last session no claim to the favorable consideration of the committee, at least as a "basis for a financial system?"

The great anxiety felt throughout the country, upon the subject, had called the attention of both the friends and opponents of the tariff to their then conflicting opinions, and which gave rise to the two conventions of 1831, held at New York and Philadelphia, before adverted to.

The Representatives here, having the benefit of the results of those conventions; the reports of their own committees; the developments of the views of the Secretary of the Treasury, after bestowing upon the subject unprecedented time, labor, and talent, discussing every item at large, passed the act of July last, in which much concession was made to preserve the peace and quiet of the country, by a vote of this House of 132 to 65, being a majority of 67.

In the Senate, the vote stood upon its final passage, 32 to 16.

The act was approved by the Executive, and, as far as we can judge, sanctioned by the people of the United States. The presses throughout the country, except in a certain section, and more particularly those presses favorable to the administration, lauded the great reduction of the revenue as effected by that law.

Can it be expected that any law involving so much interest, the principles of which have been so long contested, will ever attain a larger vote than the act of July last? Would not this, then, have been a much more satisfactory "basis" for reduction of the revenue, than the present bill? The committee propose to reduce the revenue to fifteen millions of dollars annually, taking that amount as necessary to meet the liberal wants of the Government.

To this Mr. J. saw no objection; he presumed that the committee had correctly informed themselves what amount of revenue was required by the Government, and he was willing to take $15,000,000 as the revenue standard. Why not, then, lay a gradual prospective reduction, equal in its operation upon the duties under the law of 1832, until the revenue was brought down to $15,000,000? This would meet the only principle contained in the present bill, to wit, reduction; if there were any other principle in it, it had escaped his notice. The following list will show how the bill "equalizes the duties on imports," and how equally the rates of impost are distributed.

Mr. J. said he would call the attention of the committee to a statement of some of the rates of duty under the bill before the House, to March, 1834, to March, 1835, and after the 2d of March, 1835.

ARTICLES.	To 2d March, 1834.	To March, 1835.	After March, 1835.	
Woollens, worsted, and worsted twist, and yarn, a duty of	per ct. 35	per ct. 25	per ct. 15	Permanent duty.
Worsted stuff goods of all kinds,	10	10	10	
Woollens not exceeding 35 cents square yard,	5	5	5	
Blankets not exceeding 75 cents cost,	5	5	5	
Cottons not exceeding 25 cents square yard,	30	20	20	
Twist, yarn, and thread,	20	10	10	
All manufactures of flax, hemp, sail duck, and cotton bagging,	15	15	15	
Sheet iron,	112	-	93	Special duty.
Bar iron,	95	-	76	
Nails,	78	-	62	
Spikes,	96	-	72	
Coal,	47	-	47	
Brown sugar,	58	-	46	
Salt,	62½	-	39	
Molasses,	28	-	28	
Coffee,	13	-	13	
Teas,	29	-	29	

Lace goods of all kinds, gold and silver articles, and pearl, at a duty of seven and a half per cent. And this is what the committee call in their report, "an equal distribution of the rates of impost."

While woollens, after March, 1835, will be imported under a permanent duty of five and fifteen per cent.; coarse blankets at five per cent.; cottons from ten to twenty per cent.; manufactures of flax, hemp, and sail duck at fifteen per cent.; those articles which are consumed to a large amount in the production of those manufactures, such as brown sugar, tea, coffee, salt, and molasses, are taxed from thirteen to forty-six per cent.; iron and coal ranging from forty-seven to ninety-three per cent., a permanent specific duty. Is this inequality calculated to give satisfaction, or is the bill such a one as we had a right to expect from the report? Will the country be satisfied to take this as a permanent system? Pennsylvania, New Jersey, and Louisiana may. It is very certain the North and East cannot. The planters and farmers of the South and West must first be convinced that it is right, in the fiscal arrangements of the Government, that one class of articles should be taxed at an average duty of more than seventy-five per cent., such as iron, and another class equally entitled to protection, at a general average of ten per cent., before they can give their sanction to this mode of equalization of duties as a permanent system. Who then will be satisfied? New York, provided she ensures by it the accomplishment of her ulterior object.

Why is it that luxuries of limited use, such as laces, gold and silver articles, and those of pearl, should be permitted to come in under a duty of seven and a half per cent., while you impose a permanent average duty of more than twenty per cent. upon those articles of universal consumption, teas and coffee, and which do not come in competition with American industry? Mr. J. said he detested the use of "*ad captandum*" arguments in any deliberative body. But, sir, there are details which cannot be avoided; the examination of which clearly show that the bill in its present form will not accomplish the object professed in the report. The honorable chairman, [Mr. Verplanck,] who so feelingly addressed the committee, asks us, "Shall we refuse to release seven or nine of the States from the burdens of which they complain?"

Mr. J. said, certainly not; but in thus relieving that portion of our *fellow-citizens* who do complain, let us not inflict injuries upon others, for which they may have just cause of complaint. You propose to change your laws, because they act unequally and oppressively upon one section of the Union, and advise the enactment of such as must bring disaster and ruin upon another. Our Southern friends never contemplated so unjust, so reckless a remedy. They do not expect that those great interests which they have at least been accessary to raising up to their present state of prosperity, should at one fell swoop be prostrated forever. It is not in their generous nature to desire it. They would not deserve to be countenanced if they did. No, sir, they ask for a reduction of the revenue to the wants of the Government, for an equal distribution of the burdens as well as the benefits; and not for a bill that gives full and adequate protection to certain classes of articles, and lays low the interests of the manufactures of others. The honorable chairman [Mr. Verplanck] tells us that "iron is already protected in many sections of country from the charges and difficulty of transportation." Why, then, said Mr. J., add to the price by increasing the burdens? "Rolled iron," the chairman continues, "is principally used for certain purposes, in the cities and upon the Eastern seacoast."

But, sir, bar iron is an article of universal consumption for agricultural purposes, and a permanent specific duty of seventy-six per cent. is imposed upon its importation, for the purpose, I suppose, of "equalizing the burdens" upon the planters and farmers. The member of the committee from Pennsylvania [Mr. Gilmore] assigns another reason for the high duty upon iron, which is, that "iron is an article of universal consumption in civilized life, and, therefore, should be protected."

Does the protection upon iron lessen the price? If so, extend protection to the woollens, to the cottons, to the linens, and all other articles of similar usefulness, and let us have them equally cheap. Does it enhance the price? Then reduce the duty, and let that which is consumed by every family in the United States, and is an indispensable necessary of life, be obtained upon the best possible terms, and collect your duties upon articles of less necessity.

"The effect of the reduction of duties upon cottons is only a reduction of the revenue;" so says the honorable chairman, but admits that, "under the proposed bill, there will be a considerable increase of imported articles of manufacture." If there should be an increase of the imported article, there must be a correspondent decrease of the domestic manufacture. And why should there be an increase of the one, or decrease of the other, unless the reduction of the duty has an effect upon the price? Mr. J. said he was unable to see how the honorable chairman arrived at his conclusions. The member of the committee from Pennsylvania [Mr. Gilmore] assures us that "woollens and cottons can be manufactured as cheap in this country as in Europe," and that "the duty on imported wool has no effect upon domestic wool," and had read to us voluminous letters to prove his position. Mr. J. said it was a little strange that the same conviction had not been wrought in the mind of the honorable member when the tariff was under discussion at the last session: for his votes, if they were indicative of his opinion, stood against the reduction of the duties to the standard of the present bill upon wool, cottons, and woollens, notwithstanding the honorable member then had the benefit of all the letters and documents to which he has referred us, and to which he seems to attribute his change of opinion. But "*tempora mutantur;*" and, although the honorable member has "no doubt but that the reduction of the revenue as proposed in the bill will create considerable embarrassment and distress to the interests concerned," still he is willing to pass it without amendment.

The gentleman from New York, not of the committee, [Mr. Hoffman, informed us the other day that "the Secretary of the Treasury approves the bill"—be it so; but, if the gentleman from New York is not mistaken in giving us this information, it only shows that the learned Secretary, like many others, takes the liberty of changing his opinion at very brief intervals. It was no longer than December last, in his annual report on the finances, that the Secretary, referring to his former recommendations of a reduction of the duties to the revenue standard, remarked: "In the reduction then recommended, the necessity of adapting the proposed changes to the safety of existing establishments, raised up under the auspices of past legislation, and deeply involving the interests of a large portion of the Union, was distinctly recognised; and it is still deemed to be not less imperious, in the further changes which may be considered expedient." Can the Secretary believe that the changes proposed by the bill, which his friend from New York says he approves, "are adapted to the safety of existing establishments;" or that woollens, and cottons, and linens, which have been raised up under the auspices of past legislation, can sustain themselves against foreign competition under a duty of five, ten, or twenty per cent., when iron cannot be safe with less than seventy-five per cent.? It would appear impossible that the Secretary of the Treasury, entertaining the sentiments referred to in his report, can approve the bill now before the House.

The honorable chairman [Mr. Verplanck] tells us that "the bill before us is not a concession." It may, or may not, be so considered. But, sir, viewing it in all its bearings, if it is not a concession, it may be supposed to partake of something of a much more dangerous character. Mr. J. hoped the committee, for whom he felt great respect, would not look upon him as expressing the opinion, but it might appear to some to be the result of a combination to preserve particular interests, without regard to the sacrifice of others, or a political manœuvre to ensure the balance of power. Under all circumstances, is it expedient to pass the bill in its present form? Repeal the act of the last session; produce embarrassment and distress in some of the States, without satisfying the complaints of others, or, in any manner whatever, settling this exciting question of the tariff; pass the bill; let it become a law, and the question will still be unsettled. The members of the committee themselves cannot take this as a permanent financial system, which presents the anomaly of a high rate of duty upon the most important articles of agriculture, which is neither intended for protection, nor required for revenue. Will the members of the committee from Virginia, from Georgia, or from Tennessee, consent to a permanent duty of seventy-five per cent. upon iron? If so, then, indeed, have they abandoned the interests of the planters and the farmers for other considerations.

What, then, are the merits of the bill? It does not equalize the burdens; it does not fairly distribute the benefits. It is not intended to destroy the manufacturing interests; yet, with the exception of a few favored classes, it does it effectually. It is nominally to release several of the States from the burdens of which they complain; and it will afford just cause of complaint to about as many more. But the revenue must be reduced to 15,000,000 dollars, and the excitement in the country requires that something should be done to allay it. If reduction be, as it is in fact, the only principle in the bill, is there no equitable mode by which it can be made? And cannot the excitement be allayed, without transferring the discontent from one quarter of the Union to another? What will it avail the country to restore peace and quiet in the South, and raise up a similar dissatisfaction in the North? If you really desire an equal distribution of the rates of impost, so modify your bill that none may have a right to complain, and do not force it through in its present exceptionable form. The estimates of the Committee of Ways and Means are far from being satisfactory; they are too loose and undefined. In estimating the amount of revenue that would accrue under the act of 1832, the Secretary of the Treasury, founded on the average importations of the last six years, produces a revenue of about 18,000,000 dollars—three millions more than are required for the expenditures of the Government. The committee make their calculation upon the probable average of the next six years, and make the act of 1832 produce a revenue, including the public lands, of not less than twenty millions and a half, and probably more than 24,000,000; exhibiting an excess of from 5 to 9,000,000 dollars over the just uses of the Government. Why the committee should have taken the next six years as the basis of calculation for the revenue that would accrue under the act of 1832, and have confined their estimates to the value of the imports of the year 1831, for that which would accrue under their bill, they do not state; but it is sufficiently apparent that the effect of this estimate upon the imports of the different years, is to swell the amount of revenue under the law of 1832, and lessen it under the committee's bill. Taking, then, the Secretary's estimate of 18,000,000 dollars, under the law of 1832, it requires only a reduction of 3,000,000 dollars, to bring the revenue down to the proper expenditures of the Government; and a gradual prospective reduction upon that amount would be far more fair and equitable than that proposed by the bill under consideration.

But, sir, if the act of 1832 is so very exceptionable to our Southern friends, is there no other mode of reduction which would be acceptable? First, then, settle the principle upon which you intend to act. Let the country understand what is "the intention and policy of this Government in regard to their several interests." Is it intended that the system of protection shall be abandoned? If so, let it be distinctly understood, so that those interested may prepare for the result. Do you contemplate only incidental protection? Then adapt your rates of impost so that none may have a right to complain. Do you discard all other considerations, and look solely at the revenue? Then "make such a readjustment of the rates of impost as may distribute and equalize the burdens amongst all."

Mr. J. said that, if the honorable chairman would so modify his bill as to embrace the principles contained in his report, whatever might be the course of his [Mr. J.'s] friends, it should have his support. Whatever might be the views of other gentlemen, he was prepared to go far towards conciliation; but he could not consent, by voting for the bill in its present shape, to hold out illusions which were not intended to be realized. He could not consent to deceive his friends in Pennsylvania and New Jersey, and elsewhere, who were concerned in the iron and coal interests, by inducing them to believe that their protection was to be upon a permanent basis, and that of others entirely destroyed. Are the manufacturing interests of this country, generally, entitled to no consideration?

Mr. J. said that, next to the war which had acquired for us so much glory and character, the country was indebted to the system of protection, and the consequent attendant of internal improvement, for that high state of prosperity which called forth the expressive language in the Executive message, that "our country presents, on every side, marks of prosperity and happiness, unequalled, perhaps, in any other portions of the world." Let us not, then, inconsiderately destroy this fair picture; but let us endeavor to reconcile conflicting opinions. Three modes occur, either of which would be more likely to accomplish this than that proposed by the committee—one of which has already been adverted to.

1st. An equal prospective reduction upon the act of last session, until the revenue is reduced to fifteen millions.

2d. The duties distributed over the protected articles within the amount of revenue required.

3d. An ad valorem duty upon all imported articles.

Either of these would establish a principle which "might last for many years."

To the first, Mr. J. said he should add nothing more.

By the second, the duties might be so arranged as to give an ample protection against foreign capital and competition, without exceeding the amount of revenue.

The third, he admitted he could not approve, unless a discrimination was made in favor of domestic production. But an equal ad valorem duty upon all imported articles he believed to be infinitely preferable to the present bill. It would have the merit, whatever injury it might work, of favoring no particular class, of creating no well founded jealousy. Mr. J. said he should detain the committee no longer, having already much exceeded the time he had intended to occupy when he rose. He concluded by saying that he should vote for the motion before the Chair for striking out the duties upon teas and coffee, which, should it prevail, he should follow up by a motion to lessen the duty upon iron, when he hoped the bill would be so modified as to "equalize" the duties upon other articles, so that it might be acceptable to the country. Then peace and harmony might be restored, and the basis of a permanent financial system established.

Mr. DENNY, of Pennsylvania, next rose. He said he had hoped that the action of Congress upon the important subject of the tariff, at the last session, would have sufficed, at least, for one year. It was after the most ample and pertinacious discussion, and the most mature and deliberate consideration, that the law of July, 1832, was enacted. And yet, said he, before that law has gone into operation; before we can have any certain knowledge of the effects which it would produce upon the revenue and business of the country, the subject is again disturbed, the country is again to be agitated, and the law is to be repealed before it shall begin to operate. We are, then, unwillingly on my part, urged into the consideration of this exciting subject, by the voice of the majority. To it I always submit; I shall not complain of it, nor use epithets which have more than once been applied to the majority in this House, but which I consider as now applicable only to the proceedings of a certain organized majority in a part of the country south of this capitol.

It does seem to me, said Mr. D., that the Committee of Ways and Means have not bestowed that close, minute, and careful consideration upon the details of the bill before us, and its bearing upon the industry of the country, which the importance of the measure required. It seems to have been prepared hastily and incautiously, with a view merely to the reduction of revenue and reduction of duties, regarding as of little consequence, in comparison with these, the great interests to be affected.

Sir, I must speak freely on this subject; and I hope what I may say will not be attributed to any want of respect for the honorable gentlemen composing the Committee of Ways and Means, upon which is placed my worthy colleague, [Mr. Gilmore,] towards whom I have long entertained sentiments of esteem and friendship, and with whom I am associated on this floor in representing the same body of constituents.

The district which we represent has not, perhaps, its equal in the Union for the variety, extent, number, and value of its manufactures. By means of these, thousands of industrious laborers, farmers, and mechanics are sustaining themselves, rearing and educating their families. Believing, then, as I do, this bill to be fraught with destruction to the interests committed to us, and calculated to bring embarrassment and ruin upon them, and to consign to idleness and penury thousands in every part of the country, who are now earning a subsistence by their labor and industry, I cannot give to it my support; and the position in which I am placed by my respected colleague, [Mr. Gilmore,] who has advocated the bill, forbids me to be silent.

The magnitude, in a national point of view, of the interests which are now placed in jeopardy by this bill; the whole industry of the nation about to be injuriously affected; and the vital concern which my immediate constituents have in the question now submitted to us, demand from me a free, fearless, and unreserved expression of the opinions I entertain of this bill; of the course which the Committee of Ways and Means has pursued; and of their views, so far as the gentlemen have condescended to favor us with them.

The first thing which presents itself to my mind, as being unusual in relation to such a grave and important subject, is the precipitancy with which the committee seems to have acted. The more I examine the bill and the report of the committee, the more I am persuaded that some means, out of the usual course, operated to hasten the deliberations of the committee. Hence, sir, the ill-shapen offspring of their labors; it is without symmetry, and without that proper adjustment of parts which is the result of careful and laborious deliberation. I will not say that it has no prominent feature; it has at least one which diffuses an expression through the whole. It requires no learned phrenologist to perceive that the organ of destructiveness is predominant. The learned gentleman at the head of the committee has not imparted others, to soften the harshness of this engrossing organ, or to neutralize its influence on the character; it presents itself at every point of view; it is stamped on every lineament, and, turn it which way you will, you read destruction to the industry of the country. The practical operation of this bill upon the country cannot be defended; its provisions are destructive. The committee observe a strict silence upon the details of the bill. The gentleman from Georgia, to whom I often listen with pleasure, is now eloquently silent. He does not attempt to recommend this bitter cup to the mechanics and laborers of the country. And the worthy gentleman from Tennessee [Mr. Polk] is also silent. The torrent of his eloquence, which has often rushed into this hall, and either carried every thing with it, or dashed itself into spray, is hushed; frozen, like the mountain stream in mid-winter. There is discretion in their silence.

My colleague [Mr. Gilmore] has attempted, not so much a defence of this bill, as an apology for his course in relation to it. No attempt has yet been made to point out the beneficial operation of the provisions of this bill upon the industry of the country. The gentlemen are right in not attempting what, perhaps, in their own judgments, they cannot sustain or establish. It shall be my endeavor to divest this bill of its decorations, and expose it to the country in its true, odious colors. And, unless the charges which are made against this bill, of injustice, destruction, and embarrassment, shall be answered, the country will be authorized to take them as confessed, or our arguments as conclusive. What does the committee say in their report in defence of this bill? You may look, and you will look in vain, for a just exposition of its details. A minute detail the committee were either unable or unwilling to undertake to furnish to the House; and yet, sir, we must enter into this detail, and closely inspect the provisions of the bill, before we can judge of the propriety of passing it. It is only by examining the bearing of the particulars of the bill, that we can form a just opinion of the probable effects of the measure upon the industry and labor of the nation.

The committee has furnished us with some general views in relation to the finances of the country; the revenue; the public debt; the probable receipts and expenditures. I shall not detain you, sir, by entering upon an examination of these views, some of which, I think, are erroneous. The gentleman from Connecticut, [Mr. Ingersoll,] who is a member of the committee, has satisfactorily exposed this part of the report, as well as the inaccuracy of the estimates stated in it.

The committee seems to be much afraid of a full treasury; in their opinion, it must be kept empty; and yet they say we are "a nation loving peace, yet prepared for war." An empty treasury is a novel kind of preparation for war; it may prove a preservative of peace, by keeping us too poor to go to war, even in defence of our liberties. What have we to dread from a full treasury? Are we to presume, with the committee, that it will lead or tempt to "expenditures of doubtful constitutional right?" This is a strange doctrine. Have we no confidence in the Government? Can we not trust in the integrity of this House, of the other branch of the Legislature, and of the Executive? Are we not all responsible to the people for our acts? Will they not apply a corrective, when we shall be found disbursing the money for unconstitutional purposes? But, from the fear of tempting to "expenditures of doubtful constitutional right," you will deny to your Government the means of expenditure for objects of undoubted constitutional right; for objects of great national utility; for education; the diffusion of knowledge; increasing the facilities of intercourse; multiplying and strengthening the bonds of our Union. If Congress cannot be trusted with means for promoting these great leading objects of national importance, then why not adopt the suggestions from the President, recommending a distribution among the States of any surplus revenue? Executive suggestions and recommendations are only partially received by the committee; they are readily and exultingly adopted, when they can be construed to give support to the destructive policy of the committee; but when these suggestions are of a different character, and do not coincide with, nor favor the scheme of the committee, they are rejected or disregarded.

From the suggestions made by the President, in relation to a disposition of the public lands, it is evident that he does not think they should any longer constitute a source whence to derive revenue for the support of the Government; and it is also well known, that, in the other branch of the Legislature, there is a measure under consideration, which, in all probability, will become a law, providing for a distribution of the proceeds of the sales of the public lands, for a limited period, among the States; and I may say, sir, that public sentiment is decidedly in favor of this proposition. And yet, in the face of all this, the committee insist on considering the public lands as a permanent source of revenue from which to draw directly from the pockets of the people two and a half millions of dollars. And why? In order to relieve the customs. This is the reason; to reduce, to a still lower sum, the duties on foreign merchandise; and thus, to the same amount, encourage and stimulate foreign industry, and depress our own. Is this liberal? Is this just? The Committee of Ways and Means insist that the poorer class of citizens, who want to settle on your public lands, and improve the wilderness, must be taxed two and a half millions of dollars, in order that foreign manufacturers may be relieved, and the surplus productions of foreign laborers and mechanics, invited here to be thrown into our markets, sold at auction, and sacrificed; subjecting our own industrious citizens to embarrassments and ruin, by glutting our markets, and producing fluctuations and uncertainty. This is an odious feature in the bill, and particularly so, when coupled with the proposition to tax teas and coffee, necessaries of life not produced in our country.

To reduce the revenue seems to have been the all-absorbing subject with the committee; and so intent were they on this, that they lost sight of, or do not seem to understand, the practical operation of their bill upon the country. They profess to reduce the revenue to the wants of the Government. How? By first limiting the Government in its wants; prescribing what, in their opinion, shall form the exclusive objects of expenditure, and then limiting the revenue to these expenditures; omitting provision for objects of great national utility. The intention of the committee being to reduce the revenue, they strangely attempt to accomplish their purpose, by means calculated to increase the revenue. First, by laying and increasing duties on tea and coffee, necessaries of life, which enter into the consumption of the whole country, and which are not produced here. And, again, by reducing the duties on foreign distilled spirits; thus encouraging an increase of importation, and, consequently, an increase of revenue. I need not detain you by going into an examination of this branch of the subject; it has been sufficiently illustrated by gentlemen who preceded me.

The committee, after speaking of this being "a fit season for permanent fiscal regulations," say, "it is vitally important, too, to all engaged in any of those numerous commercial, manufacturing, or agricultural enterprises, which are affected by changes in the rates of impost, and are more exposed to suffer from uncertainty than even error in legislation, now to know the intention and policy of this Government in regard to their several interests." Here we have a concession of the vital importance of this subject to the whole interests of the country, and are to understand that the propositions of the committee are recommended as worthy of being adopted as permanent fiscal regulations. Is it not then reasonable to demand from the committee, and is it not their duty to furnish to the House, information more in detail as to the probable effects of their bill upon "the numerous commercial, manufacturing, or agricultural interests which are to be affected by it," before we shall adopt it? This has not been done. The committee has not pointed out the effects to be produced upon those great national interests by the proposed measure. What have they done? By applying their own principles to the bill and its provisions, we will find that they have sent to us a bill reducing duties, but not reducing revenue; a bill so injudiciously and inconsiderately, not to say intentionally, framed as to cause the reductions to fall on those articles supplied to us by several branches of industry, which the Government, from the earliest period to the present moment, has deemed entitled to be encouraged, fostered, and protected; articles which, in consequence of this protection, are now to be obtained in abundance, of superior quality to the foreign articles, and upon as good, if not better terms, under a fair competition. For these articles, nothing more is now required but a just and adequate protection against foreign legislation and foreign pauper labor. Destroy not these branches of industry which now amply reward the Government for its care; which are now successfully pursued, and have reached a high degree of improvement, owing to the superior skill, enterprise, and ingenuity of our citizens; which have enriched the nation by multiplying its resources, while, at the same time, they have excited the envy and hostile feeling of foreign manufacturers and foreign Governments. The bill on our tables seems to me to have been prepared without forecast, and very little knowledge of the great interests which it is to affect. Ignorance and fear may prostrate in a moment what patriotism and talents, with much time and energy, and skill, and care, and laborious attention, established. Sir, what is this bill? It is called a "bill to reduce and otherwise alter the duties on imports." Let us examine it closely, and I think we shall find reasons for changing its title to one more appropriate; such as, a bill of destruction, or to abolish protection; to impoverish the American mechanic and laborer, and humanely encourage the labor of British paupers; to destroy industry, paralyze enterprise; to encourage opposition to the laws, a title which the bill may deserve from the cause of its introduction at this time; or, as reduction is its ostensible object, to reduce our confidence in our Government; or to reduce the once rebellious colonies to a dependence upon the mother country.

Protection is withdrawn by this bill. Cotton and woollen manufactories, now giving employment to millions of capital and thousands of our citizens, are consigned to destruction. Wool and woollens, in which our farmers are particularly interested, seem to be selected as the victims to be offered as a sacrifice to appease the discontents of the South. The workmen are to be consigned to idleness and penury, and the sheep of the farmers and wool-growers to the slaughter-house. This blow at the manufacturers will wound deeply the farmers and wool-growers of the Northern, Middle, and Western States. Give to wool and woollens protection for the same period of time which has been extended to Virginia tobacco, and, sir, at the expiration of that time there will be the same reason for considering the duty as nominal that the chairman now has for thinking the duty on tobacco to be nominal. This now called nominal duty was first laid to protect the Virginia planters; they did not complain, nor did other States. And now the tobacco planters of Virginia, with a prohibitory duty in their favor, which has been continued for many years, generally strike off all protection which has been but for a short time afforded to the interests of the farmers and wool-growers of the Northern, Middle, and Western States. Why, sir, there is more capital invested in the wool and woollen business than would be sufficient to purchase the whole of the miserable tobacco region of Virginia, with its slaves and race-horses, twice told. Sir, the woollen manufacture is to the country one of the most important, from the variety of interests which it embraces. The farmers have a more direct and extensive interest in the woollen manufacture than in any other: it is a twofold interest. They raise the sheep, they furnish the wool, the raw material, and provide subsistence. It is in this way that the farmers are benefited by the extension and success of manufactories, in furnishing raw material for some, and subsistence for all; in truth, they are the basis upon which the whole rest. And when the manufactories are destroyed, and the mechanics impoverished, the farmers become involved in the same distress, and suffer with the others. In the interior of the country, the towns, which are the work as well as the abode of mechanics, and the manufacturing establishments, afford markets for the productions of the farmers, for their beef, pork, sheep, wool, grain, breadstuffs, and a variety of raw materials. If these markets be destroyed, all, or the greater portion of this produce, must be sent by rivers, canals, turnpikes, and railroads, to a more distant market on the seaboard, and then to be sold perhaps for the mere cost of transportation.

The importance of the cotton and woollen manufactures to the country is sufficiently obvious; and my colleagues [Messrs. Crawford and McKennan] have ably commented upon the injurious effects which this bill will produce upon those interests and all connected with them. More might be said upon this part of the bill, but, sir, I will not detain you by any remarks of mine, as some gentlemen much more competent will follow me, who, from their talents, thorough knowledge of the subject, and intimate acquaintance with the establishment, progress, and present condition of these branches of industry, are able to present to the House, in the clearest and most satisfactory manner, the prostration and embarrassment which will inevitably ensue from the adoption of the proposed measure. Allow me, however, to call your attention, for a short time, to the provisions of this bill in relation to iron. Iron has been called, by some gentlemen, a favorite with the committee. The committee seem to profess a partiality towards iron, it is true; but this partiality is better calculated to ruin the favorite, than conduce to its permanent benefit.

Iron is an article of the first necessity; it is indispensable; it is the foundation upon which we depend for many of the comforts of life, and it is essentially requisite for the national defence; therefore it is all-important that our country should be independent of foreigners for the supply of an article necessary to our existence and defence as a free and enlightened nation. Our country abounds with this material, and with the conveniences necessary to manufacture it into all the variety of articles which society demands. And since you have extended to the manufactures of iron an adequate protection, they have rapidly increased in extent, and multiplied in numbers. Furnaces, forges, rolling mills, and other establishments connected with these, have started into existence in every part of the country. Gentlemen mistake if they suppose that Pennsylvania is the only State interested in this article. Ohio, Kentucky, and Tennessee are now largely engaged in the business, and maintain an active competition with the Pennsylvanians in the markets of their own State. What has been the effect, then, of your protection? You have excited competition; you have called forth new enterprise; men of moderate capital, and possessing skill and practical knowledge, have been suitably encouraged to engage in these new undertakings, and the effects have been highly beneficial to the whole community. Prices have been greatly reduced to the consumers in our country, and foreigners and foreign ironmasters have been compelled to reduce their prices and diminish their profits. It is well known that the proprietors of iron works in Sweden, by an agreement and mutual understanding, lowered the price of iron, in order to counteract the protection and encouragement held out to our citizens by the tariff of 1828.

Look, sir, for a moment, at the effect produced by your protection laws upon prices. In 1818, at Pittsburg, bar iron sold at from one hundred and ninety to two hundred dollars per ton; now the price is about one hundred dollars. In 1818, 1819, and 1820, boiler iron was three hundred and fifty dollars per ton; now the price is about one hundred and forty dollars per ton. Sheet iron sold for eighteen dollars per hundred weight; the price is now from eight and a half to nine dollars. Hoop iron, from two hundred and fifty, is now at one hundred and twenty dollars per ton. Axes, from twenty-four dollars per dozen, have fallen to twelve dollars per dozen. Scythes, spades, and shovels have been reduced in price about fifty per cent. English vices were sold about the same time at from twenty to twenty-two and a half cents per pound; the American article, superior in quality, is sold at from nine and a half to twelve and a half cents per pound. Braziers' rods, in 1824, were imported, and cost three hundred and thirteen dollars and sixty cents per ton; now, by the American manufacturer, the price has been reduced to one hundred and thirty dollars per ton. Thus, sir, although the duties were increased, the prices were reduced, and the American consumer participated in the benefits derived under the protecting policy. This will always be the case. Similar results have taken place in all other cases where adequate protection to American industry has been afforded. In the primary manufacture of iron, considerable capital is required, more than in general can be commanded by one individual, and more than what one would be disposed to risk. But, by the protection under your laws, men of small capital are encouraged to unite with the practical mechanic, whose capital consists chiefly in his skill, economy, and industry; content with small profits, they are enabled to carry on business advantageously to themselves and to the community, by preserving a fair competition, and keeping down monopoly. Reduce the duties as proposed by this bill, withdraw adequate protection, expose these industrious and useful citizens to a severe competition with the foreign manufacturers, who may be enabled, by a removal of duties, to pour suddenly into our market the surplus from the workshops of Europe; and these men of but small capital, who are numerous, will be overwhelmed; only those establishments sustained by the largest capital could withstand the shock, and, if disturbed, might eventually recover. The final result, however, will be the destruction of competition in many parts of the country, and the establishment of monopoly. Continue to iron, and all its branches, adequate protection, as has been given to Virginia tobacco and Virginia coal, and it will soon become an important item among our domestic exports. The process of manufacturing iron with coke is about to be undertaken in Pennsylvania, under favorable circumstances. Several attempts have been heretofore made, none of which succeeded, and were attended with heavy losses to those who made the experiments. But, sir, perseverance, with the proper skill and management, must succeed; there is no reason why, with similar materials, this should not be the case here as well as in England. Then we will be furnished with a description of iron of inferior quality to the charcoal iron, but which will answer for a great many purposes, and at as cheap a rate as the English iron. This establishment is, however, yet in its infancy; and, instead of affording an argument, as my colleague [Mr. Gilmore] seemed to think it did, in favor of withholding or reducing protection, it is precisely in that situation presenting the strongest claims for protection. My colleague seems to be dissatisfied with the discrimination between hammered and rolled iron; a discrimination made originally with the express object of favoring the iron of Pennsylvania, and one or two other States. He thinks it unjust; and, to convince this committee, has read, not his own arguments, but the arguments of the British minister. Mr. Canning was advocating the cause of the British ironmasters: we are contending for our own manufacturers. In England, bar iron is made universally by rolling, and is greatly inferior to the hammered bar iron of Pennsylvania. That the British would complain of a measure intended for our benefit, is not to be wondered at; but it is a matter of some surprise that my colleague should introduce the arguments of Mr. Canning to prove the injustice of this measure, and this, too, after the British Government had subsequently abandoned the ground altogether.

It is said by some that iron and coal are protected, and that this should satisfy Pennsylvania: there is a fallacy here, which will appear in the progress of this discussion. Suppose, however, for the sake of the argument, that iron is protected; are there no other branches of industry important to Pennsylvania, and other States, which are not protected by this bill? The cotton, woollen, paper, and glass manufactures, not to name any more, are as valuable to Pennsylvania as her iron. Will it satisfy the farmers and wool-growers, and the thousands of other citizens of Pennsylvania, feeling a great interest in woollen, cotton, paper, glass, lead, and many branches of the iron business, to be told, when suffering under the embarrassments which this bill will bring upon them, you ought not to complain; the manufacturers of bar iron and nails in Pennsylvania are protected, as is also Pennsylvania coal? My colleague complains of the discrimination between rolled and hammered iron, and yet advocates a bill with discriminations of an odious character, because made between our own manufacturers. It professes to extend to one interest protection, while it consigns to destruction other branches of industry and interests equally meritorious and entitled to favor. Is this justice or equality? But, sir, I consider the protection which is proposed to iron in this bill to be all a delusion. Iron never was in more danger than it is under this bill, independently of the ruinous reductions directly proposed on several important manufactures of iron. Do we not all know, does any Pennsylvanian require to be told, that the whole protective policy must be sustained as a system, or it will perish? Its motto is, "United we stand, divided we fall." It cannot be otherwise. No reasonable man can, for a moment, suppose that iron would continue to receive protection from a Government which had broken down all the other important manufactories of the country. These being destroyed, the enemies of protective policy will be enabled to bring an increased force to operate against iron. We are all sensible of this. And Pennsylvania beholds in the ruin of the cotton, woollen, and other manufactures in which she and other States have a deep interest, the fate which awaits her iron and coal under the proposed bill. An accumulated opposition would bear down, irresistibly, upon all her great interests, and they would sink in the general ruin. What, then, will become of her bright prospects? They will all vanish. Her splendid and extensive improvements will be rendered unproductive, if not comparatively useless. The internal commerce and home trade, for which they were chiefly designed, will dwindle into insignificance under an abandonment of the protective system; and her canals, her numerous railroads, and turnpike roads, whilst they, deserted and in ruins, remain a monument to her noble public spirit and vigorous enterprise, will be a lasting reproach upon the Government in which she confided, but which denied protection to the great national interests. Coal might be saved. The "Old Dominion," for whose special benefit protection was originally extended to coal and tobacco, will stretch forth her mighty arm to save our coal: for it I have no fears. The patriotic sons of Virginia will defend the coal proprietors and miners of Pennsylvania, so long as their own coal shall not be exhausted; and, if we raised tobacco, they would generously protect that also. Sir, I repeat it, and it is well understood in Pennsylvania, the whole system must be sustained together, or it will inevitably perish.

To be the better able to judge of the favor which it is alleged is shown to Pennsylvania in the bill before us, and of the amount of real protection afforded to iron, let me ask the attention of the committee to a few of the details on that subject. And here I must take the liberty to remark, that this part of the bill exhibits such strong Sarchett features as to impress upon my mind the belief that the Committee of Ways and Means, if they did not take counsel of their fears, as was intimated by my colleague, [Mr. McKennan,] consulted a more artful enemy to American industry and manufactures, viz. that loving and faithful British subject, Mr. Sarchett, who very kindly visits Washington when the tariff is under discussion, to instruct the American Congress how best to protect American industry, and frame an American tariff. What interviews, if any, this individual has had with the Treasury Department and members of the committee in relation to this matter, is best known to the gentlemen themselves, and they can inform this House.

Before entering upon the brief examination which I propose to make, I will observe, sir, that the committee has furnished us with a tabular statement explanatory of the provisions of this bill: it purports to be a "statement of duties that will accrue under the bill presented to the House of Representatives by the Committee of Ways and Means;" and yet such are the discrepancies between this tabular statement and the provisions of the bill itself, in relation to some items, that it ought not to be relied on, and confirms me in the opinion that the bill was prepared without due care. And this statement is calculated to mislead us in some particulars. Take, for instance, nails and spikes. By the tabular statement, the lowest duty on nails is said to be sixty-two per cent, on spikes seventy-two per cent. ad valorem; the duty being calculated on the value of the imports of the year 1831. By adverting to the bill, to ascertain the rate of duty to be charged upon nails and spikes, we do not find that these articles are enumerated; and, in order to fix the duty, we are referred, under the thirty-seventh paragraph of the first section of the bill, to "the lowest rate of duty which would have been payable on the same under the acts of 1816 or 1832." By the act of 1832, the duty on nails is five cents per pound; on spikes four cents per pound, equal to seventy-eight and ninety-six per cent. ad valorem. By the act of 1816, the duty on nails is three cents, and on spikes two cents per pound; and yet the committee, in their tabular statement, has put down the duties at four cents and three cents. If, however, we are to be governed by the bill, and not the statement, we must assess the duties as under the act of 1816; and, instead of an ad valorem duty on nails of sixty-two per cent., it will amount only to about forty-six per cent., and on spikes about forty-seven or forty-eight per cent., instead of seventy-two per cent. In these instances, the statement misleads us in forming an estimate of the protection given by the committee to nails and spikes. I do not know that these circumstances are of any consequence, except to show how inaccurate the committee has been. Nails sell for little more than the duty, and some qualities rather below the present duty; the duty forms no part, therefore, of the price—a result produced by our machinery, under a protecting tariff. Other instances of difference might be given. To do justice to the committee, I will take their own construction of the provisions of their bill, and its operation as detailed in the tabular statement.

The duty on hammered iron, in bars or bolts, is reduced from thirty-three to twenty-eight per cent. This description of iron is sent from Russia and Sweden; but on the British, that is, the rolled iron, the duty is reduced from ninety-five to seventy-six per cent. The reduction on the Russian and Swedish iron, in the opinion of some gentlemen, will not injure materially the iron establishments in our country. The effect of the reduction on the inferior British iron will be to encourage the British manufacturers to send their rolled iron in greater quantities to this country, to the injury of our own rolling mills and forges. And when we view this in connexion with the great reductions proposed upon the manufactures of iron which now give employment to our rolling and slitting mills, the effect will be found to be exceedingly injurious, if not totally ruinous. A comparatively high duty is retained on the rolled iron, when many articles, in the manufacture of which our iron is used, are to be imported at duties greatly reduced; consequently, the effect will be to impair the market for the sale of our iron. Of what avail will be the duty on bar iron, if the manufactures, for which iron as a raw material is wanted, are to be sent into our market from the workshops of England at very low duties; thus depriving our blacksmiths and mechanics of employment, and destroying, in a great degree, the demand for the iron of our own country? The duty on bar iron is, therefore, a mere delusion.

The duty on iron, in cables and chains, or parts thereof, is to be reduced from fifty-nine to twenty per cent. ad valorem; on drawing-knives, axes, hatchets, woodscrews, shovels, spades, hoes, and other manufactures of iron, from thirty to twenty per cent.; on braziers' rods, from one hundred and seventeen to twenty per cent.; on nails and spike rods, from one hundred and seventeen to twenty per cent.; on nail plates, from three cents per pound to twenty per cent.; on slit, rolled, or hammered, for band-iron, casement rods, &c. from ninety-six to twenty per cent.

I will not affirm, should this bill go into operation, that the duties or rates of duty will actually be as is stated by the committee in the table accompanying their report. By the act of 1816, iron in rods (and this may include nail rods, spike rods, and braziers' rods) was subject to a duty of two dollars and fifty cents per cwt. The committee, in all probability, made their calculation upon the supposition that iron in rods was to be considered as embraced in the class of non-enumerated manufactures of iron; not adverting to the fact that iron in rods is specified in the act of 1816, and subject to a specific duty of two dollars and fifty cents per cwt.

With a view still further to show the mischief which this bill will produce, let us for a moment examine the provision in relation to flint glass. This is one of the most important and interesting manufactures in the United States. I think the first extensive manufactory of this kind was established at Pittsburg, the place of my nativity, which I have the honor, in part, to represent on this floor. In 1812, there were, perhaps, two furnaces in operation at that place; there are now five. Other establishments, equally, and some much more extensive, have started into existence, in various parts of our country, under the protection derived from your laws. Great improvements have been made in the manufacture. The skill and ingenuity of our workmen now furnish the country with articles equal, if not superior in quality to any imported, and at prices greatly reduced, not exceeding those at which English flint glass can be fairly imported. Thousands of our citizens are now deriving a subsistence from this manufacture; it employs some thousands of tons of shipping, and consumes a variety of raw materials, some of which cannot be applied to any other useful purpose, and is trampled under our feet; millions of pounds of lead, of pot and pearl ashes, are required, besides several hundred thousand bushels of coal. I have no estimate with me of the whole amount of capital invested in this business, but its value to the nation may be learned from the statement before me, by which it appears that the total amount of flint glass now made in the United States is about one million three hundred thousand dollars per annum.

This, then, is briefly the state of the flint glass manufacture, as it now exists, having grown up under our protective policy. Let us now see what amount of protection is to be afforded under this bill.

Our existing tariff imposes on flint glass, uncut, a compound duty of two cents per pound, and twenty per cent. ad valorem, equal to an ad valorem duty of thirty-five per cent. on the imports of 1831. What will be the protection under the bill? It discards the specific duty of two cents per pound, and retains only the twenty per cent. ad valorem on plain glass, and reduces to the same low point the duty on cut glass, which is considered an article of luxury, and is now subject to a compound duty of three cents per pound, and thirty per cent. ad valorem, equivalent to an ad valorem duty of only thirty-seven per cent. on the imports of 1831.

But, sir, this is not all. In this, as in all other branches of industry, our greatest competitors are the British, who are encouraged to ship to this country their surplus and refuse stock, in order to obtain the drawback allowed on its exportation. And, if I am not mistaken, this drawback allowed to the British manufacturer exceeds the excise duty twelve shillings and six pence per cwt., which is a clear bounty to the manufacturer of about two and a half cents per pound. In general, the amount of duty paid, compared with the value or quantity of the articles fairly and honestly imported, will exhibit, in some degree, the quantum of protection. But, in the case of flint glass, in order to ascertain the true amount of real protection, we must deduct the excess of drawback over excise, or this bounty, paid to the British manufacturer on the weight of glass exported, from the aggregate duty paid on importation to this country.

In 1831, there were imported 749,485 pounds of glass, uncut. Upon the exportation of this quantity, the British manufacturer would receive, at two and a half cents per pound, $18,737 over and above the excise duty paid by him. This quantity of glass was valued, at the place of exportation, at $102,075; on this valuation our duty was calculated, and amounted to $35,405; from which deduct $18,737, and the amount paid to the British manufacturer will leave $16,668 on $102,075, equal to about sixteen per cent., the protection afforded under our existing tariff to the American manufacturer. The bill now under consideration proposes to reduce this by throwing away the specific duty of two cents per pound. In 1831, the whole amount of duty received on 749,485 pounds of glass, uncut, was $35,405; deduct from this the amount produced by the specific duty of two cents per pound, viz. $14,989, the remainder, $20,416, is the amount of duty which would be chargeable under the bill now before us, being at the rate of twenty per cent. ad valorem. Deduct from this amount the sum paid to the British manufacturer, believed to be about two and a half cents per pound, amounting to $18,737, the balance, viz. $1,679, is the amount of real protection, considerably below two per cent., which the Committee of Ways and Means are willing to allow to the American manufacturers against the surplus and refuse stock, drawbacks, fraudulent invoices, and valuations of their British rivals. Twenty per cent. ad valorem will not be adequate protection, because it will be counteracted by the foreign valuation, if by no other foreign regulation.

These details are tedious, but are necessary to a thorough understanding of the destructive operation of this bill. I shall not, however, detain you by going into a further examination of them. Nor is it my intention to inquire whether this bill will reduce the revenue or not; it is sufficient ground for me to withhold from it my approbation, to find that its practical operation on the country will be ruinous to its industry, and prejudicial to our best interests.

The Committee of Ways and Means admit that the changes proposed in the bill may be injurious; and say, "It is vitally important to the commercial, manufacturing, and agricultural interests, to know what is to be the permanent policy." How are these injurious consequences to be guarded against? What alleviation is provided by the bill? It is said the reductions are to be gradual upon some articles; the lowest reduction is not to take effect until the 2d day of March, 1835. How, and to whom will this afford relief? It may to the manufacturers and employers, by giving them time to sell off their stock, and work up materials on hand. Will they replenish? No. They will diminish their business; curtail expenditures; manufacture less; reduce the wages of workmen; discharge many from employment; and finally dismiss the whole number, and close the factories and workshops. Such is the remedy for the evils which the bill will produce. Upon whom will these evils press most severely? Not, sir, upon the employers and large capitalists; but they will fall with accumulated weight—upon whom? Upon the poorer workmen, the mechanics, and the laborers; the very class of individuals of all others who ought to be protected; they compose an industrious and very numerous class in our community, and contribute essentially to the prosperity of the country. Deprived of employment, they are deprived of subsistence, of the means for the support and education of their families. This is not all; these individuals are yet more severely dealt with in this bill; while it deprives them of employment, by encouraging foreign labor, it taxes the necessaries of life more heavily. Tea and coffee enter into the consumption of every family in the country; and while their means to obtain them are diminished, they find them taxed the higher under this bill. Look at the injustice and inequality of this bill. Negro clothing and negro blankets, articles which can be made abundantly in our country, to gratify the Southern planter, are allowed to be imported at the low duty of five per cent. Yet, sir, the free laborers of the Northern, Middle, and Western States, with whom tea and coffee are necessaries of life, and which cannot be produced in our country, and which were made free of duty by the law of 1832, are now to be taxed twenty per cent. as was first proposed in the bill, but which the chairman of the committee now proposes to reduce about one-half on teas. Why this partiality toward the slave laborer? and why this apparent disposition to depress the free laborer? Where is the justice or equality by which the committee professed to be actuated?

Before we shall adopt the system now proposed, which is so destructive to American industry, and favorable to British manufacturers and pauper labor, and which the committee recommend as a permanent policy, let us for a moment inquire into the trade between this country and England, and see what amount she takes of the productions of our farmers. Sir, we know that our breadstuffs are often excluded, in consequence of the high duties; these are fluctuating, ascending or descending, according to the average price of grain for certain periods of time in the English market. I find, from the table of exports for 1831, that there were shipped for England twenty-six barrels of beef, one hundred and thirty barrels of pork, 2,865 pounds of hams and bacon; of flour, there was a much larger quantity, 865,744 barrels. It is well known, however, that much of our flour which is shipped for England never enters the English market. The duties on all the agricultural productions of the Northern, Middle, and Western States are enormous and prohibitory. The whole British tariff is a protecting one; and whether the rates of duty are high, moderate, or low, comparatively, they are designed to afford adequate protection; and the better to effect this object, the duties are generally specific, and not ad valorem. The ad valorem rates are also so arranged, that protection is secured where it is necessary upon those articles the importation of which might interfere with the industry of the country; duties are imposed of twenty, thirty, forty, fifty, and as high as seventy-five per cent.; these duties are calculated upon the value of the articles at the place of importation. By our system, the protection given incidentally, or otherwise, under ad valorem rates of duty, is, in many instances, less than what the duties would seem to afford, because they are estimated on the value of the articles at the place of exportation; thus putting it in the power of the foreign manufacturers and exporters to commit frauds, undervalue their goods, and impose on the appraisers in this country.

It is admitted that, under this bill, importations of foreign goods will be greatly increased for a few years at least. The effect upon England will be, to stimulate her industry, enrich her manufacturers and merchants, while it impoverishes us, and depresses our labor. The increased employment given to her laborers and paupers will relieve her parishes; and, with the increased consumption of iron and iron manufactures, of wool and woollens, will give an additional value to her landed interest, and thus enrich the more her aristocracy.

Besides being of immense and paramount importance to the nation, the protective policy is one of deep and vital concern to my immediate constituents, and to the State which I have the honor in part to represent on this floor. Among my constituents there are no incorporated manufacturing companies which have excited so much clamor; there are no monopolists. Business is conducted by industrious, skilful, enterprising mechanics, practical men, who, in the numerous and various branches of industry they pursue, rely on their own labor, attention, and credit, and, in most cases, depend on their own capital. These are not the only persons concerned; the laboring, the agricultural, and every class in the community, are alike interested in the protective principle. And, while I am sustaining what appears to be the interests more immediately of the manufacturers and mechanics, I am, at the same time, sustaining the interests of the husbandmen, the farmers, and wool growers. The thousands of mechanics and laborers engaged at the factories, the mills, and the workshops, at the loom, the anvil, and the bench, must, themselves, and their families, be clothed and furnished with subsistence. Are not all dependent on the farmers and wool growers for food and comfortable clothing? Close the workshops, discharge the workmen, deprive them of employment, and, from being consumers of breadstuffs, and other agricultural productions, and furnishing a market to the farmer, they, to sustain life, must become rival producers, and glut the market with a surplus. Our farmers understand this operation.

In some respects, I view the contest between the British landholders and cultivators and the American farmers, between the British manufacturers and the American manufacturers and mechanics, for the American market. Shall we then adopt any measure calculated to favor our opponents in this controversy, and embarrass our own citizens? I, for one, am not so disposed. The farmers and mechanics of Pennsylvania, and especially those to whose partiality I am indebted for the honor of a seat here, shall never find in me one shrinking from the support of their interests, which are identified with the prosperity and independence of the nation. The repeated testimony of their confidence demands from me every exertion of my humble powers to defend them from hostile efforts of foreign rivals or domestic foes. I cannot desert them under any circumstances, nor make the important interests confided to my care the subjects of mere experiment in legislation, by pursuing a doubtful policy, and perhaps consign thousands of meritorious citizens to idleness and penury. Sir, I shall continue to advocate protection, decided, unequivocal protection, and shall resist all measures impairing it, or of a doubtful character.

I regret that my worthy and esteemed colleague [Mr. Gilmore] and myself cannot go together upon this bill; it may be my misfortune. He thinks his course correct. I have nothing to fear. I am confident of being sustained by our constituents at home, and by public sentiment throughout the State. And I do most sincerely hope that my colleague, when in retirement, may have no self-reproach for having, perhaps by the last act of his political life, unintentionally inflicted an irreparable injury upon our constituents, and given a vital stab to the best interests and prospects of our own State, and of the nation. My esteem, respect, and, he will permit me to say, friendship for my colleague, will not allow me for a moment to doubt the honesty and purity of his motives, and the patriotism which actuates him; and I shall always cherish towards him these same sentiments, which, for years, I have entertained, whether we shall be associated in the public councils of the nation, or meet in the social intercourse of private life. I cannot, however, but lament, on the present occasion, what I believe to be mistaken and erroneous views on his part.

I have already noticed a portion of the argument of my colleague; I would here briefly advert to one or two more points. To justify the reductions of the duties on edge tools, he has read to us a letter from Mr. Dunlap, giving some account of the manufactory of edge tools at Chambersburg. The success which has attended this manufacture is owing to the protection under the tariff of 1828, which subjected articles of this description to duties from thirty-five to forty per cent. The letter furnishes no reason for withdrawing the protection, and reducing the duties on edge tools, spades, shovels, and other manufactures of iron, from thirty-five and forty per cent., under the act of 1828, and thirty per cent., under the act of 1832, to the low rate of twenty per cent. ad valorem. The benefits of protecting duties are clearly shown in this letter, which proves that, under these duties, our manufacturers can supply the country with better and cheaper articles than some of the English manufacturers can do, in a fair competition.

My colleague admits that considerable embarrassment will be produced by this bill, and frankly says it is unavoidable; and this is to quiet the murmurs and discontents which exist in the South. The committee also alluded to those discontents. How are they to be healed? By acquiescing in the demands of the discontented, when you acknowledge that certain distress will be the consequence to other parts of the country. But we are told that the Union is to be preserved by this measure. Sir, you weaken the Union by destroying the domestic industry of the country, from which springs that extensive and diversified home trade, which, while it promotes a mutual dependence, unites us the more closely. This is the great cement of our Union: destroy or impair it, and the parts composing this Union may continue to occupy the same relative position for a time; but, resting loosely on each other, they will be the more easily disturbed, and finally overthrown, by some rude hand. We are called on by some gentlemen to abandon the protective policy, because of the attitude which South Carolina has assumed. We are told that it is a crisis. It is a crisis with South Carolina. She stands on the verge of a precipice! Who has brought her to this precipice? Not this House; not this Government; her own infatuated politicians have led her on, and now tell us that, unless we retrace our steps—repeal the deliberate enactments of this Government—she will step over this precipice; she will plunge into the dark abyss of disunion, there to writhe and wrangle under the miseries in which her own folly will involve her. Are we to yield to her unreasonable demands, because she has resolved to resist the laws of the Union? Shall we, from the fear of this resistance, submit to her dictation? This is the very ground upon which her leaders hope to succeed. One of them, a Colonel Preston, in a speech at a public meeting, said, "The protective system reels under our blows. Last summer, the fear of that resistance which we had announced, drove them into a reduction." Such is their language. Last summer we were driven into a reduction, and now we are to be driven into an abandonment of the protective system, from the fear of resistance! I cannot agree to succumb, in legislation, to menace or force. Are we to legislate with a lash over our backs? Would gentlemen (and I put the question to them) be willing to revoke the laws of this Union, if there were an armed force even at the doors of this hall making the demand? I think not, unless they were willing to surrender the liberties of the country. A Pennsylvania Assembly once said to a Deputy Governor, "Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety." As a Pennsylvanian, I appreciate the sentiment: as a lover of my country, I shall adhere to protection, which is connected with essential liberty. Sir, some gentlemen are content to raise the standard of Union with protection down. I shall run up the Union flag, with protection up, to the very top of the mainmast of our ship of State, and there I would nail it fast, where it should remain until shot away by some foreign enemy, or cut down by the ruthless hand of a mutineer on board. Protection is necessary to life, liberty, independence, and the perpetuity of the Union. Sir, I will not yield to any gentleman in attachment to our beloved Union. I will cherish it as fervently. Were it otherwise with me, I would be a traitor to the patriotic principles of the fathers of our revolution. I should prove a traitor to the principles, ever dear to me, of one whose blood flows in the veins of the humble individual addressing you, who participated in that glorious struggle; ay, sir, who perilled his life on the very soil of South Carolina, to win for her and her sons that liberty, protection, and independence, which she now would deny to us, under our happy Union. It is the Union which will elevate us to the pinnacle of power and prosperity as a people, and attract to this nation the attention and admiration of the civilized world.

MONDAY, JANUARY 21.

SALT DUTY.

Mr. HOWARD, of Maryland, presented a memorial from certain inhabitants of Baltimore, on the subject of the rock salt manufactured in the State of Maine, and observed that he intended, at the earliest possible moment, to call the attention of the Committee of the Whole, now engaged in the discussion of the tariff, to the subject of this memorial. He thought it proper to state its contents. If the allegations in it were true, and he had not the slightest doubt of their truth, the result of our legislation on the subject of salt was most extraordinary. It benefited the British shipping, and the manufactory of fossil salt in Maine, whilst it deeply injured American shipping, was ruining the American manufacturer, and giving the consumer a bad article. British ships, said Mr. H., are obliged to come to Nova Scotia for timber, and rather than come empty, they bring fossil salt at a very low freight, which pays a low duty, and is taking exclusive possession of the market. The following calculation he believed to be correct, as the information respecting Liverpool was derived from a commercial house there of unexceptionable standing:

	s.	*d.*
Rock salt can be delivered on board at Liverpool, at from 6*s.* 9*d.* to 7*s.* 6*d.* per ton, which includes the river freight, say	7	6
The best kind costs an additional sum of	2	0
Freight in British ships from 6*s.* to 10*s.*	10	0
	19	6
Cost of raw material at the manufactory in Maine - - - -	7	cents.
Duty on ditto - - -	1	
Allow for loss in manufacturing -	2	
Cost on manufacturing - -	5	
	15	cents.
Add for contingencies and profits -	10	
	25	
Cost of Liverpool common salt by actual importation, including first cost, freight, and other expenses - - -	25	cents.
Duty - - - - -	10	
	35	

Thus it would seem that for 25 cents the article, such as it is, can be sold in our markets. But Mr. H. said he never heard of any sales at this price; on the contrary, by coming within a few cents of the market price of other salt, the consumer was not repaid in cheapness for the injury sustained by other classes of society. The raw material was in a foreign country, and of course the supply would be precarious in time of war; and yet the manufactory was encouraged by our legislation at the expense of American shipping, to the destruction, also, of that class of American manufacturers who use the raw material found in our country. A parallel to this improvident legislation was difficult to be found. The memorialists prayed that the duty on foreign salt might be diminished, or that the duty on fossil salt might be increased, either of which steps would restore to American shipping the equality with British which the present legislation has taken away. He moved a reference of the memorial to the Committee of the Whole on the state of the Union, and that it should be printed.

Mr. JARVIS said that, when the proper time arrived, he should be prepared to meet the question; but at present it seemed to him a proposition on the part of a few shipowners, to enable themselves to fleece the people of the country.

Mr. HOWARD said that he would make but a single remark in reply. When the time arrived for discussion, he should be able to prove, from papers in his possession, and from the speech delivered upon this floor by the gentleman from Maine last summer, that the clear profits of this manufactory of fossil salt could not have been less than a hundred thousand dollars last year. These were the persons who were fleecing, without compunction, the whole people of the United States, under the protection of a monopoly which he would do his best to break up. As this was not the time to discuss the subject at large, he renewed the motion to refer and print; which motion prevailed.

The House having again gone into Committee of the Whole on the state of the Union, Mr. WAYNE in the chair, and resumed the consideration of the

TARIFF BILL,

Mr. WHITE, of Louisiana, rose, and said, if it is in order for me to address the Chair, I hope it is in possibility for the Chair to hear me. Aware of mine own infirmity, I may need its admonition if I should happen to deviate from rule or propriety.

I have no expectation, said he, of being able to make any very new or important discoveries in that grand mysterious region called by us the tariff. Too many travellers have explored it before me. They have described it too minutely, and too graphically, for me to think of following them. Whatever of beauty or of deformity is there, they have given us. And it must be confessed that, if we are to judge from their respective narratives, the elements both of beauty and of deformity are thrown together in wonderful juxtaposition.

On the one hand, we have glowing accounts of the wealth and resources of the country—its gold, its silver, its various fabrics, and, what is better than all, its thrifty and rapidly increasing population, amply supplied with all that is useful or ornamental in life. That is one side of the picture.

On the other hand, we are presented with appalling images of wretchedness and wo. We hear of cruel and relentless rulers. We are told of whole tribes of men ground down by the hands of ruthless tyranny. Our very soul is harrowed up by the recital of thousands of human beings immolated, to soothe the superstition, or to glut the cupidity of a despot. In short, whatever that fairy land contains to gladden the heart, or to make it sad, we have, either now or on recent occasions, been very circumstantially informed of all.

But, sir, there is one item in its statistics, which, although it has been frequently referred to here, and has been deemed worthy of a place in a paper recently introduced to our notice, in the name and under the auspices of the Committee of Ways and Means, is not, as I apprehend, so well nor so universally understood as the rest. Gentlemen will readily conceive what it is to which I allude. It is, of course, to a certain crystalline substance, at once fair to the sight, and savory to the taste—a thing of very common use in domestic economy, and which is not unfrequently mentioned by political economists; it was once made the subject of a special lucubration by a dissertator on political economy, a friend of mine from Georgia, whom I am very sorry not to see here now; it is obtained from a beautiful oriental reed, supposed by the ancients to exude spontaneous honey, sweeter than that gathered by the bee on the mountain. When they got it in a state of concretion, they called it by a name appropriate to the dialect in use among themselves, meaning, what the homely vernacular of modern housewifery expresses by the term—I had hoped never more to speak the word here—sugar! Yet things must be named when necessary; and I trust I may not be rated for assumption, when I profess to know something more than ordinary folks about this article, seeing that I happen to live on the very spot where it is chiefly produced, and that I have an authority, from those who produce it, to speak to you about it, on the event of its being called in question here. The contingency has arrived; and I must crave indulgence while I venture a few observations on it, and on some other things. They will be pertinent, I hope. If I did not think they would, I certainly should not obtrude them; at the same time, I own that I do it with great reluctance under the circumstances. Why and wherefore speak to you about it all? To speak, one must employ speech. The object of speech is to reason. The very faculty of articulate utterance is the gift to rational beings, with face sublime, looking upward to the azure vault of heaven, to contradistinguish them from the grovelling herd to which instinct is reason, and passion law. How is it with the work we have now undertaken? For my part, I have too much reason to fear that the reason of the case is to have mighty little to do with its decision. I hear it familiarly said that the part we have to perform is not to be groping about in quest of the *rationale* of the measure, but to adopt the bill, and thereby save the Union. This amazes me. That this our fabric of Government, the envy and the admiration of the world, to which the eye of the oppressed of every clime, in whose breast there beats a pulse for freedom, is anxiously turned, not with the expectation of realizing the perfect likeness of the prototype, but in the fond hope of approximating to something that may resemble it, and of which we ourselves have been boasting for the last fifty years, as the very perfection of human reason, should now require for its salvation a departure from, or an oblivion of, that which at first brought together its disjointed particles, and cemented them into a harmonious whole! I confess it passes my comprehension; though there are, no doubt, many very excellent things which I do not comprehend.

I have heard it emphatically declared, in a very high place, not here, but hard by, that the repeal of the tariff was not now to be discussed as a question of political economy, but as a question of liberty. Of liberty! I was more than a little puzzled to conceive what the orator meant by "liberty," unless it were the liberty of destroying others, without benefit or emolument to one's self; the liberty of robbing us of that which will not enrich you, but will make us poor indeed.

Mr. Chairman: This creature of the brain, called liberty, seems to be a kind of Protean thing, assuming all and every shape which the fancy of any man, in any age or nation, chooses to bestow on it. On the banks of the Bosphorus, it is liberty to use the bowstring and the sack. The misbelieving Mahommedan calls it liberty to snatch from society and from freedom creation's fairer half, and consign them to solitude and seclusion in walls and guarded watch towers. Monster! thus to depreciate heaven's last best gift, stamped, as it is, with the very impress of the giver. Brightest of all that is, the radiance of their countenance gilds and hallows wherever it falls. Bereaved of its divine effulgence, the world would be a wearisome waste, where the winds would sigh no music, the opening flowers breathe no perfume. In their presence, political controversy divests itself of half its asperity, and angry disputants confess the might, the majesty of loveliness.

In some countries it is deemed liberty to ordain and to perpetuate such regulations as may best conduce to the wealth and independence of their people. In others, liberty may be thought to consist in the privilege of abrogating the resources of one's own people, in order that the foreigner may build on the ruin. It is shrewdly suspected by some that of this latter class is the kind of liberty for which we are now alarmed by a raising of bucklers. I do not say it. On the contrary, I feel thoroughly assured that, in purpose and intent, it is not such; whether it may not have some such ulterior tendency, although unadmitted in the thoughts of gentlemen, is that on which I may entertain some doubt. But no matter; I shall bear the state of the case in mind, and endeavor to make my remarks as general, and, at the same time, as succinct as I possibly can.

Mr. Chairman: It is now somewhat upwards of twenty-nine years—it was on the 20th of December, 1803, since, passing from the dominion of Old Spain, a Government absolute in its forms, but, so far as its action was felt by us, mild, equitable, beneficent in its administration, we became aggregated to this confederated republic. I do not say confederacy of republics. I wish to avoid in terms all idea of plurality.

It may be ultra-federalism; it may even be stigmatized as consolidationism, or by whatever other name it may be the pleasure of any one to designate it. I care not for that. I feel assured that I do but echo the sense of the universality of those who dwell where I dwell, when I say, and I say it in pride, that they at least look upon this goodly domain, called the United States of America, as their country; that they are so unrepublican as to regard it as one of the nations of the earth, of which they are a constituent part. The glorious *E pluribus unum*, which waived above their heads when they stood side by side with you to do battle with the common enemy, has not yet become a mockery in their mouths. It is still, thank God, the motto of our banner, and will, I trust, continue to be emblazoned there, whenever, through time, it may be needful for us to shake out its folds upon the breeze.

Differing from the rest of our fellow-citizens in origin, in language, perhaps in habits, we do not differ from any in the steadfastness of our adherence to our common institutions, and to what we conceive to be their palladium—the much abused constitution.

This much I have deemed it proper to say, in deference as well to the temper of the times, as to the tone and character which has been given to the debate.

As I have intimated, it was on the twentieth day of December—may we never rue it—just as the sun was veering about from his grand periodical visit to the Antarctic, in the third year of the present century, when the consummation of Mr. Jefferson's master-piece of policy brought the people, of whom I am one, into your association. And what was their condition then? Why, sir, the culture of the sugar cane was already introduced among them. That richest of plants, originally bestowed by Providence on climates farther towards the sun, had been brought from its own native tropics, to become a denizen on the banks of the Mississippi. Its invaluable product was even then an object of some moment, though small and almost imperceptible, in the comparison of what it has since become.

Excluded, *ipso facto*, by our accession to you, from competing with it in the marts of other nations, we fancied we saw some prospect of indemnity in an already pre-existing duty here, bearing on the foreign importation pretty much in the same way, though in far inferior degree to that in which foreign restrictions would operate against our exportations. When we cast our eyes abroad upon the other nations of the globe, we saw them all hedged and fenced around with impassable barriers of restriction or of prohibition; this little duty here, we thought, promised to afford us, in time, some slight encouragement in the markets of our own newly adopted country; an encouragement which we well knew we should be enabled to requite ten, yea, a hundred fold. Under such circumstances it was that we hoisted the American flag, and embarked our fortunes in the same bottom with yourselves.

It may not be out of place here to inquire what that already pre-existing duty was. Sir, it was identically the same with that which, regardless of what your hands achieved six short months ago, and before you have tested the first experiment, you are now about once more to disturb. The impost then levied at your custom-house was two and a half cents; the ratio of duty had been the same for a series of years before we joined you. And what do we ask now? Sir, we ask nothing more at this day. We claim no part of the benefit of any of your systems of economy or of finance, as devised within the last generation. We only want to be let alone on the terms of the original association. We merely challenge the original *statu quo* as it was before the tariff, either of 1824 or 1828, had germed in the brain of your politicians.

And can this be imputed to us as an unreasonable request? Does it spring out of any unreasonable expectation? Is there really no tacit obligation of permanency in matters of this kind? Was it not natural for us to suppose that the policy to which we were affiliated would continue to be upheld? And were we not justified in the belief, that if, in aftertimes, it should ever be deemed expedient to begin to lop off, your legislative pruning knife would be applied in preference to some other branch of the great fiscal tree, rather than to this fair bough, just at the moment when so large a portion of your people, confiding in the stability of the trunk, should have sought refuge beneath its fostering shade?

Sir, I think we had the warrant for the belief. I think it was a fair inference, deducible as well from the moral nature of man, and man's ordinary policy, as from the sentiments and opinions then entertained and expressed by those who influenced the affairs of this country. And here, though it have the novelty of an often told tale, I must beg leave to weary the committee with an instance or two of the kind of philosophy which obtained on this subject as low down as 1816.

[Mr. W. here read some extracts of debates on the tariff of 1816, showing the variation that has taken place in the sentiments of some eminent public men. He then proceeded:]

Mr. Chairman: I have alluded to the fervor with which we cherish the Union; but do you think that, if, at that day, when young, confiding, and heart-yielding, we were just consenting to wed our fortunes with yours, some vaticinating seer had been found, endued with the science of futurity, to raise his monitory voice, and say unto that people, "you are going to join the United States! Beware, oh! beware of changeful, fluctuating democracy. Now that they feel and admit the want of your assistance, they will be lavish of profession; their statute books will be illumined by enactments in your favor; but, after the lapse of some years, when you shall have accomplished for them all and more than they now expect or desire at your hands, then will you see them turn upon you with contumely and reproach. Involved in one common torrent of obloquy with yet uncreated things—things, between which, when created, and it, there will be no connexion, no affinity, your pursuit will become an object of envy, and you will be called tax-masters and plunderers. Parties will be formed with reference to one fixed idea, the words of whose war cry will be taxes! and you will live to see the day when the fate of yourselves, and of your children, will hang trembling on the issue of a call of the yeas and nays in an assembly where the propriety of laying you low at the foot of every foreign policy will come up, to be voted on in their assembly, not as a question of justice, or of political economy, but as a question of liberty!" Do you think, I say, sir, that, if there could have been some inspired Cassander to utter these warning accents, we would ever, with our own free will, have admitted the fatal horse? No, I imagine not. Kings and rulers, or their emissaries beyond the sea, might have bargained as they liked; but never, with our consent, would the insidious contrivance have passed the threshold of our citadel.

Mr. Chairman, said he, I set out with the fixed resolution not to say one word, either as a fact or as an inference, of the truth of which I should not have entire conviction. I have endeavored scrupulously to adhere to the rule, and shall continue as sedulously to observe it. This is no time for amplification. It is a time when things should be spoken of as they are; and dread would be the responsibility on him who should attempt to robe them in the hues of fiction. At a time when the public mind is busied with such momentous topics, it behooves every man representing a portion of the people, to speak as he thinks they would speak, were it possible for their united voices to find utterance in this room.

We are said to be in a crisis. I do not exactly know what that means. It is evident, however, that the signs are sinister; the citizen to whom the people have committed the trust, to see that the republic take no harm, has solemnly told us that they are. The vessel of State rocks heavily on the sea. Away, beyond the visible horizon, we fancy we can detect an undefined, a murmuring sound, as though it were the rushing of mighty waters. On the yet unrippled surface of the ocean a sullen swell is heaving, denoting commotion in the elements somewhere. What are we to do in the conjuncture? Concession? Is that the word? Must we lower away the top-hamper? Strike topmasts and topgallantmasts, and bow to the tempest? I do not believe there breathes one here who would, more cheerfully than myself, make personal sacrifice, to allay discontent, or conjure an impending storm. Would that such a poor oblation as I would be, might tend to assuage the troubled waters. If all the countless millions which it is supposed would be made to shrink and wither away beneath a prostrated tariff, were mine, you should be welcome to do with them as you choose. They should be offered up to the complaint of my fellow-citizens, free as the alms of christian charity.

But, sir, you must be aware that my mandate does not go that length; and I am glad of this occasion to say a word, by way of explanation, to the friends whom I love, and with whom it may be my misfortune to have to differ. Our mission here is to preserve, not to destroy. I, for one, have been deputed hither as a messenger to the temple of Jupiter Conservator.

What, then, are we to do? In one quarter we are told that the *sine qua non* is to abandon the protective policy, and abjure the principle forever. Would that relieve us from the dilemma? Would the other half, or the three-fourths of the people quietly acquiesce in it? It is affirmed they would not. The gentleman from Pennsylvania, immediately preceding me, declared they would not. By the very spell by which you would lay one troubled ghost, might you not awaken from the tomb another spectre, still more terrific than the former? You, gentlemen, who war upon the tariff, are in pursuit of a theoretic, or, at best, a prospective good: they would be threatened with immediate perdition.

To reduce the revenue to the wants of the Government, there can be no objection. It is a consummation equally desired by all. The only difference, then, is as to the mode. We think it may be very easily accomplished without destruction to vested interests; that the way to go about it is perfectly simple and plain; it is no discovery of mine: take off duties from unprotected articles, leave the principal protected articles untouched; or, if you touch them, let it be tenderly, and with due regard to reason, to justice, and to the circumstances of each particular case. But for this levelling, equalizing theory, which would remove impost from sugar and from salt, from cottons and from woollens, from hemp and from iron, the greatest staple products of the nation, with the view of adding what is to be subtracted from them, to tea, coffee, and other things not of the growth or manufacture of the country, I search anxiously, I ponder on it in the stillness of night, though I fear I search in vain for some process of reasoning by which I might justify myself in giving my vote for the policy.

A frequent interrogation in relation to this topic is, "how will the bill affect you? Can you bear the proposed reduction?" Sir, that is a question to which none but that eye which sees all things at a glance, can possibly discover any satisfactory answer. Who can tell what or how much we can bear? Present a drawn dagger to one's breast, and ask him if he can bear it. Sir, men can bear any thing. The persons immediately concerned, and who are the best judges, believe that the probable effect of further unfriendly legislation here will be to entail on them hopeless ruin. If it must be so; if there is to be no resting place; if the dove can find no spot on which to repose her weary pinion; if the operative mechanic and peaceful husbandman are to be the objects of eternal warfare, the value of our country is probably gone. There will, however, be one consolation, though a melancholy one: misfortune is gregarious; it likes company, and will find it. If you will cast others into the darksome abyss, they will drag you along in their declivity. As the people of the United States are one people, so, also, are their interests one and identical; and it must be a political paradox to say that the prosperity of one portion can be subverted without a corresponding infliction on the prosperity of the rest.

Mr. Chairman, said he, I will pursue the topic no further. My object is to avoid the interminable details of the tariff. The people of the United States, or such of them as desire it, may press forward to that victory over the industry of their country which they covet; they may proceed to raze its workshops and its factories, till not one stone remain on the top of another; but, if they do, they will soon have cause to mourn over what they shall achieve. The day will come when they shall bedew their own laurels with the tears of bitterness and repentance.

Mr. POLK followed. The Committee of Ways and Means, said he, have anxiously desired to draw the attention of the House to the details of this bill. They have been prepared, whenever an opportunity should be afforded, to explain the practical operation of its various provisions, and to prove, as they confidently believe they can, that it will not ruinously affect any existing interest. They have thought it to be unprofitable and worse than useless, at this time of day, to enter into any general discussion of the protective policy. The subject is perfectly familiar to every member of this body. Does any gentleman believe that any debate, however protracted, is likely to change any vote in this House, or any opinions out of it? No gentleman will affirm that he does so believe. My colleagues of the Committee of Ways and Means have abstained from any general discussion, for other reasons, which must be obvious to the House. This is the short session of Congress: our time is limited to the 3d of March; other important subjects must be acted upon before we rise. I am unwilling to believe that it can be the object of any portion of this body to defeat this great measure, by the delay occasioned by protracted, useless, and unprofitable debate; and yet it is certain that such must be the effect, if this general discussion continues. The committee would be far from precipitating, with unnecessary haste, a decision of this question; yet there must be some limit to the debate. Surely after the dozen speeches which have followed each other in regular succession, in opposition to this bill, if the object be not to defeat, by delay, any final action upon it, gentlemen will permit us to consider and vote upon its details. All the gentlemen who have addressed the House in opposition to the measure, are of the ultra high tariff portion of the House. They have dealt altogether in generals. No one of them has taken a practical view of the operation and effects of the measure itself. They seem to have been desirous to provoke debate from the friends of the bill. The committee have been censured for their silence. The measure which they have recommended to the favor of the House has been charged to be indefensible. It has been said to be a measure at once destructive of the whole manufacturing interests of the country; that ruin and desolation awaited the manufacturers if the bill on your table became a law. All this we have heard, and yet no opportunity has been afforded to us, by an examination of the bill itself, and by facts and proofs in our possession, to show that no such consequences will follow. I rise, sir, now, not to abandon the grounds we have taken. I will not be provoked, by any thing that can be said, into the general discussion of constitutional law, of protection, of free trade, or of nullification; nor shall the taunting allusions which have been made to the different characters of the free labor of the North, and the slave labor of the South, draw me into the discussion of these abstract or exciting topics.

I rise, sir, to show, not by arguments of my own, but by what must be much more satisfactory to the House, by facts the most conclusive, by the testimony of the manufacturers themselves, that the bill upon your table will produce no such effects as gentlemen roundly assert it will. Doubtless gentlemen may believe the declarations which they make; but they are mistaken, if the manufacturers testify truly, or if the facts which they state are worthy of belief.

Permit me to remark, before I adduce the testimony to which I allude, that in framing this bill the committee saw the great fact staring them in the face, that the present rates of import duty would yield to the treasury an excess of six millions of dollars annually, over what will be required, in subsequent years, to meet all the necessary and proper expenditures of the Government. The President, in his annual message, had recommended a repeal of the public burdens to this amount. The Secretary of the Treasury had also recommended it. The necessity of the reduction seemed to be conceded by all; and, indeed, in all the speeches we have heard, it has not been controverted. In preparing the bill which they have offered, the committee had two objects in view. First, to reduce the taxes to the standard of revenue which the Government required, thereby relieving the people of so much of the public burdens as were no longer needed for the public service; but in doing this they kept an eye, secondly, to the probable effects of the measure upon the existing manufacturing establishments which had grown up under the existing policy. No member of the committee who yielded his assent to this bill, I may safely affirm, desired to prostrate the manufactories, nor will such, in their judgment, be the effect of the bill. The chairman of the committee, as their organ, in bringing the measure before the House, confined himself to a brief, but very satisfactory exposition of its provisions—as a measure of finance. The duty has been devolved upon me to show its effects upon the manufacturing interests of the country. This I shall do, not by general declamation, but by the testimony of the manufacturers themselves; and I venture to affirm that the bill, so far from prostrating these establishments, affords sufficient incidental protection to enable all such as are based on real, not borrowed capital, and which are conducted with economy and skill, not only to stand under this bill, but to realize greater rates of profit upon the capital and labor employed, than is derived from any other regular business in the country.

The proof which I adduce, and to which I now ask the attention of the House, is the testimony of the manufacturers themselves, collected by the Secretary of the Treasury during the last year, in obedience to a resolution of this House, a part of which has been printed by the order of this House, and a part is yet in manuscript. Of that portion which has not been printed, I have procured some of the original statements, and will read from them to the House. From this testimony of the manufacturers—the persons of all others the best informed and most interested, so far as the measure before us is supposed to operate injuriously upon their peculiar interests—I shall expect to establish, beyond the possibility of a doubt—

1st. That the profits received by the manufacturers, in well conducted establishments, far exceed the profits upon the labor and capital employed in any other regular business.

2d. The opinions of distinguished manufacturers as to the rates of duty which will protect them against foreign competition, and as to the reductions which they can bear, and still realize a fair profit.

3d. That the manufactures of the United States were in a prosperous condition, under the act of 1816, and between the years 1816 and 1824; and that the duties imposed by the act of 1816 afforded sufficient protection.

4th. That the bill, which assumes the act of 1816 as a general basis, affords in fact greater protection than did the act of 1816.

Upon the point of profits, I call the attention of the House particularly to the manufacture of woollens and cottons, for these are the interests supposed to be more seriously affected by this bill, than any other. And, first, it is to be observed that many of the manufacturers decline or refuse to respond to the interrogatories propounded by the Secretary of the Treasury, in regard to their profits, thereby leaving the inference most strongly to be drawn, that they may have been unwilling to make a full exposé, lest it might be seen that they could well bear a modification of duties, and still realize a fair profit. In confirmation of this, at page eighty-five of the printed testimony, Mr. Edward Walcott, an agent appointed by the Treasury to collect and report the information desired, in regard to the profits and condition of the manufactories at Pawtucket, states that "many of our manufacturers have been reluctant to answer some of the questions propounded, not wishing to hazard an opinion upon a subject they have not viewed in all its bearings." This is perhaps natural enough. At page one hundred and thirty-four of the same document, an agent in Massachusetts states, in relation to the interrogatories propounded as to profits, that "no definite answer has been given to this by a single manufacturer; they have generally declined, or said, we make little or nothing." The same thing is stated at pages one hundred and thirty-six, one hundred and forty-six, and one hundred and fifty, of this document. Others, however, of the manufacturers, have stated their profits. The first that I present is an abstract of the state and condition of the manufactories in the State of Vermont, reported to the Secretary of the Treasury on the 4th of May last, by Mr. B. F. Bailey, an agent appointed to collect the testimony, and known, I presume, to some of the delegation from that State. From this abstract, it appears that a woollen factory, owned by Moulton and Cummings, with a capital of $22,000, consisting of real estate, machinery, and active capital, makes a profit of forty per cent. A woollen factory, owned by J. Downs, with a capital of $60,000, makes a profit of fifteen per cent. A woollen factory, owned by N. B.

Hazen, with a capital of $28,576, makes a profit of twelve per cent. Two other woollen factories, with capitals of about $10,000 each, the one owned by Sturdevant, and the other by Gookin, each make a profit of thirty-three per cent. From the same abstract, it appears that a cotton factory, owned by I. Lyman, with a capital of $55,000, realizes a profit of twenty-one per cent.; and in this case we meet with a candid admission, as appears from the statement before me, that "reduction" of duties would "not be injurious" to the establishment. The following interrogatory, among others, was propounded by the Secretary of the Treasury, to wit: "If the duty upon the foreign manufacture, of the kind of goods which you make, were reduced to twelve and a half per cent., with a corresponding reduction on all the imports, would it cause you to abandon your business, or would you continue to manufacture at reduced prices?" The answer is, "reduction not injurious." The iron foundries and forges in this State are shown, by the abstract before me, to be in a highly prosperous condition, yielding, in one instance, a profit of fifty-four per cent., and in many other establishments, profits of from twenty to forty per cent. But as it seems to be conceded by the iron masters themselves, as well as by the advocates of the restrictive policy on this floor, that this interest is amply protected by the bill, I shall make no more particular reference to the proofs of profits in relation to this interest, contained in the paper before me. I hold the proof in my hand. It is open to the inspection of any gentleman who desires to look into it. The truth is, that the cost of transportation alone, in regard to all the iron establishments situated in the interior, is ample protection. Within a given circle around them, the cost of transportation excludes the foreign article altogether; and no rates of duty, whether high or low, could materially affect them. It is upon the seaboard, and in that portion of the interior connected with the Atlantic by cheap water communication, that any competition is met from the foreign article. The other manufactories, in the State of Vermont, as well as in other portions of the Union, are suffered to remain at the rates of duty imposed by the act of 1816, which do not materially vary from the present rates. The tanneries, the saddleries, the manufacture of hats, of boots and shoes, and, in a word, the mechanic trades generally, are left in a prosperous condition, yielding, as the proof shows, handsome, and in most cases large profits. There are, I believe, no apprehensions that they will not be adequately protected by the bill. These remarks, in relation to these different kinds of manufactories, as well as to iron, sustained as they are, not only by the testimony taken in the State of Vermont, but confirmed by the testimony taken in several other States, with which I will not now trouble the House, abundantly show that these various interests are sufficiently protected, and will not be injuriously affected by this bill.

In regard to the great interests of woollens and cottons, in which so vast an amount of capital has been embarked, I beg leave to adduce further proofs, taken in different States of the Union. In the printed document, No. 308, containing the testimony taken in the States of Maine and Massachusetts, to which I have already referred, at page 22, the agent states that "satinet factories, properly conducted, will yield from fifteen to twenty per cent." The agent at Augusta, in the State of Maine, at page 1 of the printed document, in his report to the Secretary of the Treasury, states: "It is well known that Maine has not many large manufacturing establishments of any kind. In that portion of the State which I visited or examined, I found but two cotton factories, one at Winthrop, in the county of Kennebeck, and the other at Gardiner, in the same county. The agent of the former very readily answered all the inquiries put to him, within his power to answer; the result of which will be found on sheet No. 1, accompanying this; but the directors of the Gardiner factory declined answering any of them, although twice called upon by me, and once written to on the subject. I however found, by inquiry, that their operations are about one-third more than those at Winthrop, and, owing to a favorable location and other facilities for carrying on their business, their profits must have been, during the year ending September last, fully twenty-five per cent." The same agent, in his report, states that "the impression among intelligent gentlemen with whom I have conversed is, that the duty upon woollens and cottons might be advantageously reduced, and the factories still be able to carry on their business at a rate of profit considerably above what is realized in other branches of business." The agent at Portland, Maine, at page 1 of the printed document, states, that "cotton factories at the present time are very profitable; but it is expected, from the great number building, that much competition will ensue, and profits will be lessened." "In the manufacture of wool we have made less advance; but it is thought a considerable reduction may take place, and the business still continue profitable." The value of "manufacturing stocks," in well conducted establishments, affords conclusive evidence of the enormous profits which they realize. The agent at Pawtucket, in his report, at page 85 of the printed document, states that he believes "there has been more money made by speculators in manufacturing stocks than by the operations of machinery; and the safest and most profitable operations have been made by sales of stock in manufacturing corporations at an advance of from ten to fifty per cent. from the original cost." At page 172 of the printed document, it appears that an extensive cotton factory in Massachusetts, with a capital exceeding $100,000, yielded an average profit of ten and a half per cent. for ten years, from 1819 to 1828 inclusive; "that a profit of fifteen per cent. was realized in 1823;" that "the business afforded a profit of twenty per cent. in 1830, and the following year, 1831, an unusual profit was realized, say twenty-five per cent." At page 196 of the printed document, it is stated that, since 1821, the business has "afforded a handsome profit."

In the State of Pennsylvania, the manufacture of woollens and cottons is not very extensive. In document No. 158, returned by the agent, from that State, and now before me in manuscript, it appears that the woollen and cotton factory in Beaver county, Pennsylvania, owned by the "Harmonie Society," with a capital, fixed and active, of $35,000 in the "cotton line" per annum, and $62,000 in the "woollen line" per annum, yielded for the five years ending with 1831 the following profits, viz.

	Profits in the cotton business.	Woollen business.
June, 1827,	15 per cent.	14 per cent.
1828,	14	15
1829,	12	16
1830,	8	18
1831,	12	14

In the smaller factories engaged in the manufacture of woollens in that State, it appears, from the returns of the agents, that the several establishments, as shown by the manuscript documents before me, numbered 135, 136, 139, 143, 149, severally yield a profit of twenty per cent. per annum. The manuscript documents numbered 134, 138, 140, show an annual profit of twenty-five per cent. on the capital invested; and the documents numbered 104 and 105 show an annual profit of thirty-three per cent. on the capital invested. The documents showing these large rates of profit, are here, and any gentleman who will look into them will find these statements to be correct. In addition to this, it appears that all the fulling mills and small establishments doing custom work, and finding their market in their immediate vicinity, are exceedingly profitable, and could be but little if at all affected by a reduction of the duties. To this body of testimony in relation to profits, I have only to add the testimony of a single other manufacturer, which struck me, when I first read it, with great force. It is to be found in document No. 47, from the State of New York. Among other interrogatories propounded by the Secretary of the Treasury, in his circular addressed to the manufacturers during the last year, was the following: "Is there any pursuit in which you could engage, from which you could derive greater profits, even after the reduction of the import duties to twelve and a half per cent?"

This manufacturer, as appears from the document now before me, answers the interrogatory as follows: "Nothing more advantageous than shaving with the many."

The manuscript returns of the agents for the State of New York, which I have also before me, show rates of profits in the woollen and cotton business not materially varying from those already stated in the State of Pennsylvania. Here are the returns; any gentleman who desires it, can examine them for himself. These proofs and statements furnished by the manufacturers themselves, the persons of all others the most interested, and possessing certainly the best information upon the subject, accord but badly with the general declarations which we have heard so often repeated in the course of this debate, as to the depressed condition of the manufactures, and especially of the manufactures of woollens and cottons, and of the apprehended ruin and desolation which awaits them if this bill should pass. I take this testimony of the manufacturers as most strongly against the gentlemen opposed to this bill, upon the point at issue. I do so upon a well-settled principle of evidence in all judicial proceedings, that admissions of a party interested against his interest furnish the most conclusive and incontrovertible proof.

I am willing to admit that I have selected from this body of evidence the proofs which I have adduced, and to concede that, from these voluminous documents, it does appear that some other establishments, and especially those having very large capitals, have not yielded such large profits, and that some even have been ruinous concerns; but this does not weaken or impair the positive affirmative testimony which has been adduced. If one manufacturer, with skill, vigilance, and economy, can realize a given rate of profit in his business, there is no reason why another, in similar circumstances, may not do so. In all the establishments where there is the requisite skill in the business, a real, and not a borrowed capital, and wherever the latest improvements in labor-saving machinery are introduced, and proper economy and attention given to the business, large profits have been realized. But wherever there is a want of skill in the business, wherever it is based upon a fictitious capital borrowed from banks or individuals, or wherever there is a want of economy or proper attention to the business, it cannot be expected to be otherwise than calamitous. In some establishments too, large and even ruinous losses have been sustained in consequence of bad debts, or by fire or floods. Against these, were the duties prohibitory, no legislation can afford protection. They can only be guarded against by the vigilance and attention of the owners. The general proposition which I affirm to be established by the whole body of this testimony is, that in all those establishments, where there is skill, real capital, improved machinery, and proper economy and vigilance in their management, they have proved to be more profitable than any other regular and steady business.

Having now produced the testimony of the manufacturers in relation to the profits realized in many well-conducted establishments, and shown, I trust satisfactorily, to the House, that these rates exceed the rewards of labor and capital employed in any other regular business, I call the attention of the House next to the testimony and opinions of distinguished manufacturers as to the reduction of the duties on the rival foreign article which they can bear, and still pursue their business, realizing fair profits. The first testimony which I adduce upon this point, is that of Mr. Peter H. Schenck, of the State of New York, to be found in document No. 21. Mr. Schenck is extensively engaged in the manufacture of broadcloths and other woollen goods. He is personally known to many members of this body, and perhaps by reputation to all. The Secretary of the Treasury propounded, among other interrogatories to the manufacturers, the following: "What rate of duty is necessary to enable the manufacturer to enter into competition in the home market with similar articles imported?" To this Mr. Schenck answers in the following words: "Having all the materials at as low a rate as the foreigner, twenty-five per cent. duty on the imported article will be a protection, if the duty is fully collected, not as heretofore, (scarcely the half of it.") To the same question, Messrs. I. & I. Wadsworth, manufacturers of woollens, in the State of New York, (as may be seen in document No. 23,) answer: "Twenty-five per cent., was the duty on wool to be reduced in proportion, and the value of the imported article to be fixed here." Messrs. Bour & Kirk, manufacturers of woollens, in the State of New York, answer the same interrogatory as follows, (document No. 22:) "Twenty-five per cent. on the goods valued in this country; then there will be no need of false invoices and false oaths." In document No. 30, the same interrogatory is answered by a manufacturer of woollens, in New York, as follows, to wit: "Cannot say; but the rate of duty is, perhaps, not so essential as that it should be strictly collected upon all the goods entered, as fraudulent entries keep the market constantly in an unsettled state, and the manufacturer is left in uncertainty whether he is to make or lose money by his operations." I shall only detain the House upon this point by adducing the testimony of a single manufacturer of cottons, (to be found in document No. 3,) in the State of New York. In answer to the interrogatory of the Secretary of the Treasury: "If the duty upon the foreign manufacture, of the kind of goods which you make, were reduced to twelve and a half per cent. would it cause you to abandon your business, or would you manufacture at reduced prices?" The manufacturer answers that he "should continue the business at twelve and a half per cent."

It appears from this testimony that the duties upon woollens (now fifty per cent.) may not only be reduced, but that twenty-five per cent. will be a sufficient protection, provided there be a corresponding reduction on the raw material, and the duty be fully and fairly collected; and that the manufacturers of cottons, and especially of coarse cottons, would be able to continue their business profitably at the reduced duty of twelve and a half per cent. on the rival foreign article. Now, sir, this bill proposes not only a corresponding reduction upon raw wool, but makes free of duty many of the raw materials heretofore paying heavy duties, and which are of indispensable necessity in the manufacture of woollens. For instance, the article of indigo, paying a duty of fifty per cent. under the tariff of 1828, is, by the bill, made free of duty. The various dye-woods are made free of duty by the act of 1832. Olive oil, upon which the duty is reduced from twenty-five to ten cents the gallon (more than half) by this bill. The extent of the gain to the manufacturer, by the reduction of duty upon the raw material used by him, will be more particularly stated when I come to adduce the testimony upon another branch of this subject.

In confirmation of these opinions, and in support of the general proposition that the woollen and cotton manufactures can bear a considerable reduction of the present rate of duties upon the foreign rival article, and still be able to continue their business with fair profits, and without being seriously affected by the reduction, I beg leave to read an extract or two from the report of the agent appointed by the Secretary of the Treasury to collect and report the testimony in relation to the condition of the various kinds of manufactures in the State of New York. The report from which I read, bears date on the 17th of April, 1832. The agent states that "the woollen would appear more likely to be benefited by a reduction of the duties upon all the imports than any other branch of manufacture, because wool pays not only a specific duty, relatively high as the prime cost is low, but also a high ad valorem duty; and also because oil and other articles which enter into this manufacture, pay a duty exceeding the proposed limitation." The limitation here alluded to is a uniform ad valorem duty of twelve and a half per cent. on all imports. The report proceeds: "The woollen manufacture would, therefore, seem better able to bear a reduction of duty on the imported rival articles, with such a corresponding reduction on other imports as is proposed, than either iron or cotton, excepting coarse cottons, on which the duty is considered merely nominal. Mr. Dexter, an experienced woollen manufacturer, concurs in the opinion that a reduction might be made on imported woollens, if the duties on wool and other materials used in the manufacture were also reduced." With a view to show the general effects of a reduction of duties upon all imports, I read also the following extracts from this report, to wit: "With regard to the reduction of duties upon that class of imports referred to as falling upon all in proportion to numbers, as teas, sugar, coffee, articles of clothing, and every thing coming under the denomination of necessaries or comforts, within the reach of the laboring classes, the iron manufacture would be benefited to a higher degree than cotton and woollen, because manual labor is employed to a greater extent in the former, and machinery to a greater extent in the two latter." And, again: "How far a reduction of duty on all imports to twelve and a half per cent. would affect the cotton, iron, and woollen manufactures, by affording articles of consumption at a lower price, is a question of extreme difficulty. Nothing but experience can satisfactorily determine it; but, in the present condition of the woollen manufacture, there is reason to believe that it would be the first and severest sufferer, notwithstanding a reduction of duty on the raw material; and there is equal reason to believe that the cotton manufacture would suffer less than any other." In regard to the manufacture of the coarse cotton goods, it is generally conceded that, with the aid of labor-saving machinery, they have already attained such a degree of protection that they require no protecting duties to sustain them; that the duty is "nominal merely, as the domestic manufacture is exported, and the foreign, of the same description, is never imported;" that we are able to meet and successfully compete with the British manufacturer in the foreign market. In regard to cottons, the report before me states that "the cotton manufacturers are opposed to the removal of the duty upon foreign goods of the same description as those which they produce. Although they believe they are able to compete in the manufacture of coarse cottons with the British manufacturers, they are apprehensive that a reduction of the duty to a considerable extent on the imported, might induce the latter to attempt to break them down by sending large supplies into the United States, and vending them at a present loss with a view to an ultimate gain, and that their vast superiority of capital would give them great advantages in such a contest. At all events they apprehend that much temporary individual embarrassment and loss might ensue, without any permanent gain to the public." This is the leading objection of the cotton manufacturers to a reduction of duty, stated with all its force; and the following is the very satisfactory and conclusive answer which the agent in the report gives to it: "It is believed that the difficulty of apportioning such temporary loss among the foreign manufacturers in proportion to their ultimate gain, is so great as to afford effectual security against this evil." There is another objection (which we have often heard upon this floor) stated, and very satisfactorily answered in this report. It is this: "The apprehension in which so many of the cotton manufacturers concur, that a foreign article, equal in appearance but inferior in quality to theirs, might compete successfully with theirs, appears to me" [says the agent] "quite groundless. Such an article would, in my opinion, find its market value controlled by quality." An argument was stated in the committee which reported this bill, against the reduction of duty on cottons to the extent proposed in the bill, though it was admitted that they could bear some reduction. It was this: It was said that there was a kind of cotton, grown in the East Indies, inferior in quality to the American cottons, which was sold in the English markets at a cent and a half in the pound less than the American cottons, and that, in consequence of this, coarse cottons could be manufactured for less abroad than here, where the American cottons were exclusively used. The objection was believed to have nothing in it, for many of the coarser cotton goods in this country are made of the stained or inferior cotton, worth less in our own, as well as in foreign markets, than our prime uplands. But, to remove the objection, if there was any thing in it, a provision was inserted in the bill removing the present duty on cotton imported into the United States, and permitting it to come in free of duty. Our cotton planters have never regarded the duty on raw cotton as of any consequence. They wish an open and unrestricted market for their crops, and if they have this they are able to compete with the world either in the home or the foreign market.

I propose next to establish, by testimony equally entitled to credit, the third proposition, which is, that the manufactures of the United States were in a prosperous condition under the act of 1816, and for the eight years intervening between the years 1816 and 1824, and also that the act of 1816 afforded them ample incidental protection. To establish this proposition, I call the attention of the House to the testimony of the manufacturers, taken under oath before a committee of this House in 1828, preceding the passage of the tariff act of that year. Gentlemen may find this testimony in the second volume of the "Reports of Committees, first session twentieth Congress." The following interrogatory was propounded by the Committee on Manufactures to Colonel James Shepherd, of Massachusetts, a gentleman extensively engaged in the manufacture of woollens, to wit: "Were not manufacturers of woollens generally doing a better business previous to 1824 than they have done since; and were they not then doing well?" He answers: "They were, as far as my knowledge extends. We were doing a better business previous to the tariff of 1824 than we have done since. Previous to the tariff of 1824 I think the business was a fair business, and nothing more." To a similar interrogatory, Mr. Abraham Marland, also a manufacturer, residing in Essex county, Massachusetts, answers: "I think the business previous to 1824 was better than it was in 1825 and 1826: my business certainly was." William R. Dickinson testifies that "the manufacturers of woollens in this country were doing a better business previous to the year 1824 than they have done since." Other witnesses examined before the committee testify to the same facts, and also that the business was profitable. Independent of this positive testimony, the known fact, derived from the statistics of that period, that during eight years intervening between the act of 1816 and the increased tariff of 1824, the capital invested in manufactures had increased more than one-third, goes conclusively to show not only that the business of manufacturing was prosperous, but that the incidental protection afforded by the act of 1816 was sufficient to sustain all the well-conducted establishments. We have, then, eight years of actual experience under the act of 1816. It is not a mere theory or conjecture. The fact is established that the manufacturers were doing well. If this be so, is there any sound reason why they may not still do well under the same rates of duty which were then sufficient to protect them? On the contrary, is there not every reason to believe that even a less rate of duty would now be sufficient? Many of the establishments were then in their infancy; they are now firmly established, and, since that period, great improvements have been made in labor-saving machinery. Immediately after the war, during the years 1816 and 1817, it is well known that real estate, sites for water-power, machinery, and labor, were dearer than they now are. And if under all these disadvantages the business was profitable, can there be any reason, if we now return to the rates of 1816, (as this bill proposes to do,) why it should not still be so? Under the act of 1816 none but real capitalists and persons of skill embarked in the business. The raw materials used were subject to the payment of but light duties, nor were the rates of impost on foreign manufactured articles so high as to hold out inducements to smuggle, or otherwise evade the payment of the duties. But, under the higher rates of duty imposed by the tariffs of 1824 and 1828, many persons, upon borrowed capital and without skill, were induced to engage in the business, with the hope of realizing large profits. By these acts also, heavier duties were imposed upon the raw material, as well as upon the manufactured article, thereby absorbing, in the duties paid upon the raw material, a portion of the profits which the manufacturer would otherwise have made. The inducements to evade the revenue laws were also greatly increased, and the faithful collection of the duties rendered much more difficult. And although the protection afforded was greater, yet from all these causes the business was rendered more uncertain and unsteady than it was under the act of 1816.

I have stated that the bill before us affords to the manufacturers even greater protection than did the act of 1816. The committee, it is true, in framing this bill, have assumed the act of 1816 as a general basis; but they have permitted to remain undisturbed the duties upon those articles which, by the act of 1832, were reduced below the rates of 1816. Among these are the dyestuffs generally, now made free of duty, and which, under the act of 1816, but to a still greater extent under the acts of 1824 and 1828, were burdened with the payment of duty. By the bill, the duty upon indigo is repealed; upon olive oil it is reduced; and upon raw wool the duty is reduced to the rates of 1816; thus relieving the manufacturer from the burden of a great part of the high duty heretofore paid upon the raw material. By a repeal of the duty upon indigo, and all the dyestuffs, and a reduction upon oil, and the raw material, the amount of the duties no longer required from him, and which he is thereby permitted to retain, goes to swell the profits of his business. The amount thus saved to the manufacturer by this repeal and reduction upon articles of indispensable necessity in his business, and which he is compelled to have, under any rate of duty which may be imposed, is a clear profit afforded to him by the bill; an advantage which he has not heretofore enjoyed under either the acts of 1816, 1824, or 1828. The amount thus saved, in the shape of duties, below the rates of the act of 1828, without including in the estimate the reduction upon wool, is equal to about six per cent. upon the whole capital invested in the woollen factories, and, including the reduction of duty upon that portion of the wool imported, is equal to about eleven per cent. I am enabled to make this general estimate of the saving to the manufacturer, by the repeal or reduction of these duties, (which, if not entirely accurate, is a sufficient approximation, for my general purpose,) from a statement made by a distinguished and experienced manufacturer of woollens, before the committee of this House, in 1828. His whole capital invested in real estate, machinery, and active capital, was $130,000. He manufactured annually 46,084 yards of broadcloth. He consumed in the manufacture of this quantity of cloth, among other articles burdened with the payment of duty, 4,705½ pounds of Bengal indigo, costing $11,293 20. The duty upon indigo, by the act of 1828, was fifty per cent.; making the amount of duty paid upon this article $5,646 60; indigo, by the bill, is to be free of duty; and this much the manufacturer is enabled to add to his profits. A similar statement is also made of the quantity and cost of olive oil, castile soap, dyewood, copperas vitriol, and woad used in the establishment, all paying duty; but by the bill either made free of duty, or the rates greatly reduced. If any gentleman will take the trouble to make the calculation of the rate per cent. of these duties upon the capital invested, he will find the result to be about as I have stated it. In this establishment also, 102,159 pounds of wool are used, of which 31,740 pounds are of foreign production; and calculating the duty upon its foreign cost, by the rates of the act of 1828, the rate per cent. of the duty paid on wool added to the duties paid upon other articles consumed, as already stated, upon the whole capital invested, will be about eleven per cent. The whole duty on wool is not repealed; it is by the bill reduced to fifteen per cent. ad valorem, which was the duty by the act of 1816. By the act of 1823, it paid a duty of four cents the pound specific, and also a duty of fifty per cent. ad valorem. But though a reduction upon wool will be advantageous to the woollen manufacturers, it is objected that it will be injurious to the wool growers. Upon this point the Secretary of the Treasury, in his annual report, presents the following view:

"By the act of the 14th of July last, the anomaly in the tariff of the United States, by which heavy and burdensome duties were imposed upon the raw material, and especially upon the article of wool, was continued; and the necessity was thereby created, of retaining upon the manufactured articles a higher degree of protection than would otherwise have been necessary. An adherence to this anomaly, instead of equalizing the burdens of the people, augments that of the consumer, by increasing the number of favored classes. Proper attention to the facility and cheapness of producing, and the amount actually produced of the raw material in the United States, and an examination of the information collected by this department, and transmitted to the House of Representatives at their last session, will show that, in the extension of manufactures, and in the augmentation of a sure market, the producer of the raw material has long since been in a condition to dispense with a great portion of the protection heretofore afforded. By the same information it will further appear that, by relieving the manufacturer from the burden of the high duty upon the raw material, the existing duties may be very materially reduced, and gradually removed, consistently with a just regard to the interests which have so long enjoyed the advantages of the protective system.

"By these considerations, and the proud and gratifying fact that there no longer exists any public debt requiring the present amount of revenue after the ensuing year, the question is submitted to the Legislature, whether they will continue to raise from the people of the United States six millions of dollars annually beyond any demand of the public service, that favors, which have been so long enjoyed, and which may soon be dispensed with, without detriment to the national safety or independence, may be indefinitely continued."

The wool growers consider the duty upon foreign wool as important to their prosperity. This opinion, I apprehend, is founded in error. Very little wool of the middling quality, such as we produce, is imported. The kinds chiefly imported are either the coarse South American wool, costing eight cents and under, the pound, or the fine Saxony wool, costing more than a dollar the pound; neither of which do we produce, or, if we do, to a very limited extent. The wool of middling quality used in our factories is almost exclusively of domestic growth. Mr. Aaron Tuffts, a witness examined before the Committee on Manufactures in 1828, testifies that the depreciation in the price of domestic wool is caused by the low price of woollen goods; and as to the effect of the importation of foreign wool, he says: "I do not think this tends in the least to depreciate the price of the domestic wool;" and the reason assigned for this opinion is, that wool was so high a price, that "if none was imported, we could pay no higher price." The same witness testifies that the duty on wool is of no consequence to the "farming interest, unless you can enable the manufacturers to furnish the farmer a market." He also advances the opinion that the "repeal of the British duty on exported wool cannot affect the price of wool imported here, because we can obtain it from other European countries;" and further states his belief that "not a pound of wool of British growth is ever brought into the United States." And yet we have heard it urged in the course of this debate, that the repeal of the British export duty rendered our import duty necessary to protect the wool grower. Colonel James Shepherd, a large wool grower, owning from "1,200 to 1,400 sheep," also testified before the Committee on Manufactures in 1828, that he considered the duty laid on foreign wool by the act of 1824, as striking at the foundation of the manufacturing system. "I am," he states, "of opinion that if the duty laid on foreign wool had not been more than one-fourth what it was, wool growers and manufacturers would have both done better. I am of opinion, also, that imported wool has no effect on the price of domestic wool. I prefer the latter whenever I can procure it, to any that is imported." He also considers the duty of no importance to the farming interests. Other witnesses, some of them wool growers, also concur in these opinions. So far as the interests of the wool growers are concerned, I think we are justified, therefore, in coming to the conclusion, that the idea that the duty is a protection to them is a mere delusion. But if it be important, surely the duty of fifteen dollars on each hundred dollars worth imported, imposed by this bill, affords them sufficient advantages over the foreigner. My own opinion is that wool should be duty free; but as wool growers think otherwise, we have retained a revenue duty of fifteen per cent. upon the imported article. The duty upon woollens, and also upon wool, are antagonist or conflicting duties, if the effect of the duty upon the latter be to enhance the price of the wool to the manufacturer; for if the price of the wool be enhanced, the effect must be either to diminish the profits of the manufacturer, and render less availing the protection of his fabric, or to enhance the price of the manufactured article to the wool grower as well as all other consumers.

I have confined myself, Mr. Chairman, to an examination of the proofs afforded by these documents, and the obvious inferences from them in relation to the great interests of woollens and cottons, because the complaints were loudest against the apprehended effects of this bill upon these particular interests. I invite gentlemen to answer the testimony of these manufacturers, not by general declarations, which they no doubt sincerely believe; but by facts and by proof. They must not—they cannot discredit those witnesses, because they are the persons whose interest they so zealously advocate upon this floor; and because they are the persons most interested; and when they testify to facts against their interest, and going directly to disprove the predictions of ruin and distress, which await them if this bill pass, what they say is to be taken as true.

I could go on to adduce testimony from these documents in regard to other branches of manufacture, showing similar results; but I have already detained the House much too long, and much longer than I intended to have done. My chief purpose in rising was to bring to the view of the House this testimony, as a full answer to many of the arguments we have heard in opposition to this bill.

I submit, then, to the House, whether, from these proofs of profits, the opinion of manufacturers of the reductions they can bear, and the condition of their establishments under the act of 1816, it be true that this bill, some of the provisions of which are even more favorable to them than was the act of 1816, is likely to produce the serious effects which its opponents anticipate; and whether it be not also true that the facts here adduced fully sustain the opinion advanced by the Secretary of the Treasury in his annual report, "that, in a tariff framed on proper principles, the reduction of six millions now recommended may, for the most part, be made upon those commonly denominated protected articles, without prejudice to the reasonable claims of existing establishments." Objections have been stated to this bill, because of the different rates of duty which are imposed on different kinds of manufactures. It is said, for example, that it affords greater protection to iron, than to some other manufactures, and that it is therefore unjust. Sir, the same objection might be made to any revenue or tariff law that has ever passed, in all of which discriminating duties have been imposed. If the committee had brought forward a bill, proposing a uniform ad valorem, the complaints would have been much louder from the same quarter. The committee, in deliberating upon the bill which they would present, had several plans before them, and they have brought forward this bill as a measure of compromise, likely to unite in its support a sufficient number of those representing upon this floor the conflicting interests of different portions of the Union, to carry it through the House. They adopted as their basis, in framing it, the act of 1816; varying from that act in few instances, except in relation to the duties upon those articles which, by the act of 1832, were made either free of duty, or reduced below the rates of the act of 1816. They were the more induced to do this, because the requisite revenue would be produced by it; and because the condition of the country, at the date of the act of 1816, was in some respects similar to the present. The act of 1816 was an act to reduce the rates from the double duties of the war to a revenue standard. The debt being now paid, and the present rates of duty yielding more revenue than we need, this is also a bill to reduce to the same standard. There was a further reason for adopting this plan, and that was, that the operations of the act of 1816 upon the various interests supposed to be affected by it, had been tested by actual experience.

The measure we recommend is demanded alike by the state of the finances, and the condition of the country. We have six millions of revenue from the impost, more than we need; and how shall we be justified to our constituents, if we fail to relieve them of burdens to so great an amount, no longer required for the public service? Our condition is indeed anomalous. Whilst the great difficulty encountered in every age, by the rulers of every other civilized country in the world, has been to collect from their subjects money enough, in the shape of taxes, to meet the demands of the Government, our trouble is to effect a repeal of taxes, which we no longer need. The condition of the country, also, demands the adoption of the measure before us. It is no longer, in my judgment, a question of cent. per cent., but a question of patriotism and of country. Let us then act like statesmen, and, by adopting this measure of justice, endeavor to heal the discontents so prevalent in so many States, and thus preserve and perpetuate our glorious Union, without force, civil war, or the effusion of blood. The gentleman from Pennsylvania [Mr. McKennan] attributes an unworthy motive, when he supposes that the advocates of this bill have taken counsel of their fears. Not so. It is recommended by every consideration of public policy. If the public mind was unexcited, it would still be proper to adopt it. We are called upon to remove "unnecessary burdens" from the people, and to do it now; and shall we be restrained from doing what is right in itself, from the apprehension that our motives may be misunderstood or misrepresented? Shall we be so weak as to put ourselves upon an ideal point of honor; turn a deaf ear to the peaceable and constitutional complaints of seven or eight States, asking it at our hands, and refuse their request? The Secretary of the Treasury recommends it. The President, in his opening message, at the beginning of the session, recommends it, and not only recommends it, but invites the action of Congress upon the subject at this time. No one will suppose that he has taken counsel of his fears. In his late message, the President reiterates this recommendation, in the following striking and strong terms: "The crisis undoubtedly invokes the fidelity of the patriot and sagacity of the statesman; not more in removing such portions of the public burden as may be unnecessary, than in preserving the good order of society, and in the maintenance of well-regulated liberty." It is made the duty of the President, "from time to time, to give the Congress information of the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient." This duty he has faithfully performed. The Executive Government possesses no legislative powers. We, and we alone, can remove these "unnecessary burdens" from the people, and we must be responsible for all the consequences which may follow from a failure at this time to act upon this great subject. If we shall rise without passing this, or some similar measure not materially varying from it, this Congress will owe a responsibility to the country, and perhaps to posterity, in which I have no ambition to participate.

The committee then rose, and the House adjourned.

Tuesday, January 22.

MANUFACTURES, &c.

The resolutions offered by Mr. Adams, calling for certain information from the Secretary of the Treasury, and requesting other details from the President of the United States, coming up again for consideration,

Mr. A. resumed the course of his remarks, which had yesterday been suspended by the expiration of the hour appropriated to the consideration of resolutions, and, after recapitulating the reasons he had before given why he could not consent to modify his resolutions, as had been requested by Mr. Stewart, he then observed, that since he had offered his resolutions, very strong additional reasons had presented themselves in favor of adopting them. Resolutions had been laid before the House from two most respectable State Legislatures, utterly disapproving of the bill now reported to the House by the Committee of Ways and Means, and on precisely the ground referred to in these resolutions, viz. the statement of the Secretary of the Treasury, that the revenue might be reduced six millions (in addition to all the reduction effected by the bill of the last session) without injury to the just claims of existing establishments. These Legislatures held, that so far from its being true that the bill would operate a reduction of the revenue without injuring existing establishments, it would, if it should become a law, operate the ruin of many of those establishments, without any certainty that it would reduce the revenue at all. In the Legislature of the powerful State of Pennsylvania, the resolutions had passed by an almost unanimous vote. Was this no reason in favor of the resolutions he had offered? Was it no reason that the House should call upon the Secretary to specify; to say what were the articles on which this great reduction would be effected without injury, and how it was to be effected?

Mr. VERPLANCK here moved the orders of the day, and the House went into Committee of the Whole on the state of the Union, Mr. Wayne in the chair, and resumed the consideration of the

TARIFF BILL.

Mr. REED, of Massachusetts, rose. He said he felt bound by a sense of duty paramount to all other considerations, to address the committee at this time. It should be his endeavor to speak with plainness and candor upon the principles of the tariff generally, and of the bill before them, and of some of its details, and of course his remarks would be desultory.

The tariff bill we are now considering, said Mr. R., is a most extraordinary measure; a measure which neither wisdom, foresight, nor experience could have anticipated. A large portion of our last session was devoted to examining and preparing a tariff, which became a law on the 14th day of July last. Without good and sufficient cause, we are now called upon to make a new tariff, and supersede and annul the act of July. Such a case never before occurred under our Government, and our constituents could not, and did not expect it now, and have had no opportunity to instruct and advise us as to their desires or interest, and point out the practical evils (which they alone can know) that may result from the proposed bill.

The enterprise of our citizens has been, in some measure, paralyzed, and our country generally has suffered serious evil from frequent innovation in our revenue laws. Importers of merchandise are often compelled to seek relief here, from the improvidence or injustice of our own legislation.

It has been said our system of revenue laws, or tariff, has been modified and changed as often as once in four years. Instance the tariffs of 1816, 1818, 1824, 1828, 1832. These changes, in my judgment, have been quite too frequent. But now we have arrived at a period in our affairs, called a crisis; and we are called upon to act, to immediately pass a new tariff, to repeal the act of July, before it goes into effect.

During the last session, the Committee on Manufactures devoted months to the most careful and minute examination and investigation of the various interests of the country, and of their claims for protection and encouragement. The tariff bill, formed on principles of protection against foreign nations, assessed duties in such manner as to secure our own interest. That bill, the result of much labor of the committee, was introduced to this House, and underwent a severe examination. Many amendments were made, and every cent of addition or diminution was decided by ayes and noes. Our journal is filled with many pages of the records of our votes. The bill was finally perfected agreeably to our judgment, passed the ordeal of this House and the Senate by a vast majority, and was signed by the President, and became a law. This law, so solemnly and deliberately, and by so great a majority passed, we are called upon to repeal.

The law passed in July will take effect on the 1st of March, 1833; soon as practicable, consistent with the good faith of the Government, plighted to those whose interest might be affected by the operation of the new tariff. But we are solemnly and earnestly exhorted to supersede that act, and prevent its operation. Mr. Chairman, I voted for the act of July. More, sir: I labored in and out of this House to facilitate the passage of that law. I acted with an ardent desire and hope of compromising this vexed and most vexing subject, and satisfying the South and the whole country. When the vote was finally taken, and the majority was known, and it was also known from whence those gentlemen came, and who they were, who voted for the law, it was considered a permanent adjustment of the system. I little imagined we should be called upon in five short months to pass a new act repealing the former one, to use the language of a gentleman from Connecticut, [Mr. Ingersoll,] before the ink was dry. But innovation and restless discontent are the order of the day, and we must be subject to such evils, and learn to endure them with patience and firmness.

The Committee of Ways and Means, in their report, inform us, that "to this annual amount of fifteen millions the revenue must be reduced." Again, speaking of the excess of revenue, the committee observe that "this excess, in the opinion of the committee, should be reduced by the present Congress, at the present time." Again: "The only sources of revenue on which the committee propose to rely, are the public lands and the customs." "The public lands, at the present system of sale, may now safely be calculated as producing an annual income of two millions and one-half. Then there remains to be raised by the imports upon foreign merchandise, to meet all other charges and contingencies, &c. the sum of twelve millions and one-half."

I make no remarks upon the subject of the public lands. It has been sufficiently noticed by others. Surely, sir, the committee have not given us much light in their report as to the details of the bill. The chairman of the committee seems to presume the subject is understood; and another gentleman on the committee [Mr. Wilde] informs us that "majorities vote, and minorities talk." Be it remembered that we, the present Congress, after a labor of six months, adopted the tariff of July last; that, in forming that act, we had all the aid of the gentlemen of the Committee of Ways and Means; that we had five out of seven of their votes for the bill. But neither the votes of the committee, nor the votes of this House, seem to settle the question for a single year.

What new light has beamed upon the minds of the committee since July? If they possess light or knowledge upon the subject, new or old, why do they refuse to impart it?

Sir, in my opinion, the leading and controlling objects of all our tariffs have of late been, in some measure, lost sight of and forgotten. One might be led to suppose that these laws, called tariffs, had been passed mainly to encourage and protect manufactures. This is not true. I deem it of importance in this debate, and at all times, that the truth, and the whole truth, touching this important subject, should be before us and the nation. I ask your attention, sir, and the attention of the committee, for a few minutes, and I will endeavor to correct this error, and present the facts in the case from my observation and knowledge.

Our revenue laws, so far as they have been protective, have mainly regarded the great agricultural interests, and the raw materials and productions of our extensive country. To bring these productions into use, and to secure for them a market and fair price, has been the great end and aim of the protective system. Manufactures and navigation and commerce have received the aid and support of Government, as secondary and subsidiary to those great interests. The manufactures have been encouraged, sustained, and supported, because they afforded a sure and extensive market for the corn, the flour, the meat, the wool, the cotton, the hemp, the iron, the lead, the coal, &c., of our country. Yes, sir, I repeat it; it was a union of these great and controlling interests that gave manufactures (with few exceptions) life and being, and protection and encouragement. As I view this subject as one of great importance, I will endeavor, in few words, to illustrate these positions. Take, for example, the woollen manufactures. To whom are they indebted for the aid and protection they have received? Is it not to the wool grower? Would the Merino and Saxony sheep, upon a thousand hills, hailed on their arrival here as a signal blessing of Providence, be of any value to the farmer, or the country, if their wool could not be used? If foreign wool is brought into the country, and sold in the form of cloth, native wool will not be wanted. Then, if we would wear and use our native wool, it must be here manufactured. To induce skill and capital to adventure in the woollen manufactures, they must receive encouragement and protection. They have received it from the farmer and wool grower, through their Representatives. But another serious difficulty has occurred. Woollens are not only manufactured cheaper in Europe, but wool can be afforded cheaper, and we are compelled, in the first instance, to protect the farmer himself, by a heavy duty on wool. If we would protect him effectually, we must go further, and lay a corresponding duty on the importations of woollens, and sustain the manufactures, or his wool will be useless, and the wool grower and wool manufacturer will both be involved in one common ruin.

Mr. Chairman, as another example, I take cotton. It has been my good or ill fortune to have been a member of this House when the tariffs of 1816, 1824, 1828, and 1832, were passed. I know, as far as I have been capable of learning, from the closest attention and observation, the motives and causes that influenced men to act. I ask, would the law of 1816, affording so great encouragement to the manufactures of cotton, have passed this House or the Senate, but for the raw cotton of our own country? I think not. I well know the leading and influential men who reported and sustained that bill in this House. Colonel Pickering, and others, who represented the commerce in cottons, remonstrated loudly against the protection afforded to coarse cottons: but they remonstrated in vain. They contended that the law was unjust and oppressive to the importer of India cottons, and to the consumer. They exhibited to this House the invoices of India cottons, showing that the price in India did not exceed six or seven cents per square yard; and contended that the minimum in that bill, estimating and taking every square yard to have cost twenty-five cents, was unjust, inasmuch as it did not, in fact, cost a fourth part of that sum; that a tax of 25 per cent., estimating the square yard to have cost four times as much as it cost in fact, would assess a tax of 100 per cent. It was urged that a very considerable capital had been invested in the traffic, and many merchants were engaged in the importation of those cottons, and profitably engaged; that, if the bill passed, it would put an end to their business, and greatly enhance the price to consumers. What answer was then given by Messrs. Lowndes, Calhoun, and others? As well as I remember, it was this: We regret that any interest or portion of the country should suffer, but public policy, and the true interest of the whole country, require it. What answer more favorable, in defence of that measure, could be given?

Sir, I was opposed to the act of 1816, and especially to the minimum principle. I thought it cruel, at least, to those whose employment must be utterly destroyed. I confess I did not then anticipate that our own country would soon be able to manufacture cloth of far superior character to the India fabric, and for half or one-third the price we were then paying for the India cottons. It has been done. But, sir, those gentlemen who voted for that minimum, fixed their hands and seals forever to an instrument that sustains and supports the protective policy in its most offensive character, if, indeed, it be offensive. On the vote to strike out that minimum, (I refer to the

Journal,) I think there were six votes against striking out from South Carolina, and a number from Virginia, and other Southern States. But the times change, &c. Since the passage of that law, the manufactures have been successful; immense capital has been invested, and they have been greatly improved and extended. My policy is to protect and preserve them. Those who differed, and have changed their views, will give their own reasons for abandoning an enterprise whose success has outstripped the most sanguine hopes of the warmest imagination. Think you, South Carolina, and those distinguished men who then had so much influence in the councils of our nation, would have imposed such duties, but for the desire and hope, and fixed purpose of inducing the country, and especially New England, to manufacture their cotton, protected by a duty of three cents per pound, and thereby exclude the cotton of India imported in the fabric? I will not intimate they intended harm or permanent injury to us; but I most firmly believe they did intend permanent benefit and security to themselves. There was at that time a good deal said about Great Britain going to India, Egypt, and Brazil, for their cotton. I believe, from what I then saw and heard, that our Southern brethren thought it expedient to secure the home market for their cotton. The measure succeeded. The factories, which were auxiliary to the policy, have been brought into existence and successful operation.

So in regard to the various manufactures of iron from the bar and pig. A heavy duty was laid on the iron, to encourage the manufacturers in the interior, as there were few on the seaboard; and as the expense of transportation is greater than from Europe, the price has been enhanced. So of coal, to encourage the mining, and railroads and canals to bring it from the mountains in the interior, it is heavily taxed. I have now a letter from a constituent, who has imported a cargo from Nova Scotia, and paid for the coal three dollars per chaldron, and two dollars and sixteen cents duty on the same. These iron manufacturers and coal miners have been encouraged to bring into use our own iron and coal. But our coal and iron are dearer than European iron and coal; and those who use them, and the smiths, and those who work in iron, must have a corresponding encouragement and protection. So of lead. Shall we bring into use our own lead for paints, and the manufacturing of glass, or purchase those articles in Europe? The manufactures of glass are more perfect in this country than in any other. Our skill is fully equal, and the materials better; but the lead of Missouri, and coal of Virginia, the most material articles, cost more than in Europe. Shall we use our sand, and coal, and lead, and potash, and manufacture our own glass? If so, the manufacturers must have some protection. Or shall we leave our coal and lead in the mines, and purchase our glass in Europe? If so, of one thing we are sure; we cannot exchange lead for glass, or carry coal to Liverpool or Newcastle. Unless the present bill be amended, the glass factories must be utterly destroyed.

Mr. Chairman, when our constitution was adopted, it was understood revenue would and must be raised by direct taxation. The constitution fixes the basis upon which that taxation should be assessed; and, by a compromise, infinitely the most important in the instrument, it was agreed that the South should have three-fifths as much political power, on account of their slaves, as if they were free citizens. Direct taxation was founded upon representation. But we have had but three direct taxes since the Government was formed. The taxes paid on account of slaves is very small in amount; and of that little their owners were relieved, in some measure, by a special provision in the act of July last, in favor of negro cloths. The South keep and exercise the power granted to them. They have now more than twenty Representatives on this floor on account of slaves. They have the power and benefit arising from the compromise, and have never paid the miserable allowance; I will not call it an equivalent of taxation for that power. The agreement was made, and we abide by the obligation without complaint. Will our Southern brethren insist upon examining and re-examining our constitution, and seek, by narrow construction, to restrict its true meaning and spirit, and call new conventions to limit its power? In such an event, we, too, shall have some notions and projects peculiar to a free people, zealous for the just and equal rights of freemen.

Mr. Chairman, it seems now admitted as the settled policy of this country, that our revenue shall be raised mainly, if not wholly, by duties or imposts on foreign merchandise.

The first great question that naturally arises, is, how shall these duties be imposed? On what principle? Shall they be ad valorem or specific? Shall they be uniform, and at the same per cent., or shall they be discriminating? Upon these subjects I cannot admit there is much room for controversy. Our means and wants render discriminating duties expedient and necessary. The laws and regulations of foreign nations, in relation to their commerce and trade, each favoring its own peculiar interest, render it expedient and necessary. Whether we would or not, self-love and self-preservation compel us to act upon the defensive, and to adopt laws and regulations corresponding with those of foreign nations. We must pursue such a course, if we duly regard and respect the true interest of our own country. That nation, as well as that individual, "who provides not for his own, and especially for those of his own house, hath denied the faith, and is worse than an infidel."

Sir, suppose the United States should propose to allow Great Britain to introduce into this country their corn and breadstuffs, free of duty, provided they would allow us the same privilege—would they repeal their corn laws, and allow us to send our flour and corn, free of duty, into their market? We know they would not. Should Great Britain make us the same proposition in relation to our woollen and cotton manufactures, we could not accede to it, without ruin to those interests.

Again: Great Britain is a kingdom of minerals, and affords coal and salt in abundance from their mines, and on the very borders of the ocean, from whence it may be easily exported, at a small expense, to every country. Our coal, unfortunately, is in the interior of our country, and we have no salt but that which is made by evaporation of salt water. It is manufactured at very considerable expense, especially on the seaboard, where foreign salt comes most in competition with the domestic salt. Shall we go to Great Britain for our coal and salt? or shall we, by reasonable and proper duties, encourage and support our own productions, brought into successful operation by much enterprise, labor, and expense?

Sir, I am proud to say I represent an interest that has asked little, and received little, at the hands of the Government; and yet Great Britain dares not meet it on her own element upon equal terms. I refer to the whale fishery. Great Britain gives her ships bounties, and excludes our oil by high duties. Our citizens have neither received nor desired such favors. But the chairman of the committee who reported this bill, has informed us that the manufacturers of woollens are compensated for the reduction of duties on foreign cloths, in part, by the reduction of duties on oil. Yes, sir, I fear that by that very reduction our whale fishery, which has hitherto surpassed that of all other nations, may be destroyed. In saying this, I do not mean to charge the committee with wantonly destroying, or intentionally putting it to great hazard; but the subject has not been sufficiently examined, and is not understood. I will notice it more particularly by and by.

Mr. Chairman, what do gentlemen mean by free trade and ad valorem duties? Would they at once abandon every employment and every production which any other nation or any other country furnishes cheaper than our own? If that be their policy, and the present act go into effect, and three cents protection duty be taken from cotton, I have no doubt, in a few short years, the very cotton planters, who are now so loud and violent in their complaints against protection, will be quite as zealous and earnest, if less violent, supplicants for relief. Sir, the cotton plant is not a native of South Carolina; and whatever distress they now suffer, arises from their unfavorable competition with their more southern neighbors, Alabama, Mississippi, and Louisiana. The cotton plant is an exotic in this country. In more southern climes, as in Brazil, for instance, the plant lives and flourishes, and bears cotton abundantly for three years. Here it scarcely lives one, and is often injured by frost. Suppose the yankee notion of a cotton gin, which has given the South the means of wealth, and raised them to such proud pre-eminence, were introduced into Brazil, and other places equally favorable, with capital, what would be the consequence? I leave the cotton grower to judge. It is at least a maxim of self-preservation, that they who live in glass houses should not constantly pelt the houses of their neighbors with stones.

Mr. Chairman, it is easy to complain, and very difficult to give satisfaction to those who are habitually querulous. Such men will always insist, as soon as any law or regulation is made affecting the interest of the country, that others have the best of the bargain. So long ago as the year 1816, and before, we heard constant complaints from many Southern people and others, that the North had great advantages in the navigation laws; that the South were subject to heavy burdens in consequence; and that the North charged high and unreasonable freight. These complaints were believed to be entirely groundless, but arguments were useless. To put an end to these unfounded complaints, we put to hazard a most important interest. By the laws of 1816 and 1824, we placed our navigation upon terms of reciprocity with foreign nations. What has been the result? Freight has not been affected. Although on the statute book our navigation was protected by an extravagant duty, still it had no power to raise freight to an unreasonable price, because the severe competition among ourselves had reduced it to the very minimum. But this evil, so formidable in the eyes of many, once removed, another immediately takes its place.

Mr. Chairman, although no satisfactory reason can be given, in my opinion, in favor of the bill before us, and though it seems to have been prepared to quiet the unfounded, extravagant, and violent demands of South Carolina, still I rejoice that even this bill rejects the principles of equal ad valorem duties. It fully establishes the principles of protection and discriminating duties; principles which never can be abandoned by any civilized, independent nation.

Sir, I object to the bill, because it makes an unwise, unequal, and injudicious discrimination. It does not regard with fairness and equality the rights of all and every interest in our common country. I frankly admit the subject is complex and difficult. It requires a minute and candid examination, with a fixed purpose to do justice, and with a single eye to the good of the country, disregarding all political effect. The Committee of Ways and Means were very improper arbiters of the great interests of the Northern and Middle States; four out of the seven residing south of the Potomac. I never understood either one of the number felt any favor for the protective system. What could we expect more favorable from such a committee, than such a bill as they have given us? After the committee had ascertained, and reported how much, or rather how little revenue was required, and it had been clearly ascertained that there would be a surplus, they should have reported the fact to the House, and the subject should have been referred to a tariff committee. I do not mean nominally, but to a committee in deed and in truth friendly to the manufacturing as well as other interests of the country; to a committee friendly to the system of protection, that they might make reductions on such things, and to such extent, as should save and foster those interests. Justice, expediency, the happiness and prosperity of our common country, demand that the subject should be thoroughly investigated, and that we should possess all the light and knowledge which can be afforded by practical men. Have the committee, in the present case, so investigated it? We all know they have not. They have not had time or opportunity for the work. But, sir, we are informed the bill is open to amendments. If this committee think fit and proper to proceed with the measure, I trust amendments may be made; otherwise, wide-spread ruin must be the inevitable consequence.

Sir, if it were ascertained (as it is not) that our revenue required further reduction, I should despair at this time of making such a bill as the best interest of our country requires at our hands. We have not time for information.

The committee observe in their report:

"In adjusting the several duties, they have generally conformed, unless some strong reason for a different rate was perceived, to those of the tariff act of 1816, with its short supplementary act of 1818. The act of 1816 was framed with great care and deliberation by some of our ablest statesmen, looking at the same time to the revenue then so peculiarly necessary for the discharge of our large war debt, and to the preservation, during a violent transition from war to peace, of the numerous manufactures that had grown up under the double duties, and the practical prohibition of the embargo, the non-intercourse, and the war with Great Britain."

Mr. Chairman, the committee are entirely mistaken. This bill does not conform to the principles laid down in the report. It is far otherwise. Why reduce the duty to twenty per cent. on coarse cottons? But we are told, and told truly, that they are made as cheap, or nearly as cheap, in this as in any other country, and of as good quality; and that they are occasionally exported. Why, then, put so successful, and profitable, and useful manufactures at hazard?—alike useful to cotton grower, cotton manufacturer, and consumer of the fabric. Why put them to the hazard and risk of foreign competition? a competition beneficial to none, if successful; and, if the factories fail and break down under the pressure, injurious to all. I repeat, why try the experiment? Every body admits that coarse cottons manufactured here are abundant enough, good enough, and cheap enough; why not let well enough alone? Sir, is this experiment worse than useless, conformably to the tariff law of 1816? Far otherwise.

Sir, on a careful comparison, gentlemen will find the present bill differs essentially from the act of 1816. I have a statement before me pointing out the difference; but I forbear to trespass so far upon the time of the House, and pass it over. But coal and iron (those favored articles) have the benefit of the tariff of 1816; more, the special tariff of 1818 is specially introduced to sanction additional duty on iron. The duty on iron and coal falls entirely on the seaboard, and a portion of country contiguous; it does not in the least affect that portion of the country far from the ocean, unless it raise the price of their iron and coal. The expense of transportation secures them against foreign competition, and secures to them at least their own market. Those who reside on the seaboard can import these articles from Europe at a much less expense than the same articles can be transported from the interior of our own country. The duties on those articles are a very heavy tax upon our navigation, manufactures, and agriculture. We have little iron ore on the seaboard, and we now import iron to a very great amount, notwithstanding the duty.

The committee remark in their report, that, "in the bill herewith reported by them, they have endeavored to arrange the duties, with reference to this principle, at rates of from ten to twenty per cent., varying from them chiefly in those instances where national independence, in time of war, seemed to demand some sacrifice in peace, as in the case of iron."

I believe, Mr. Chairman, it has always been admitted as a correct principle in our legislation, that we should afford protection to those things necessary in time of war. I would say, sir, in a word, necessaries in war and peace, and therefore necessary to our independence. By what facts, or experience, or logic, the committee have arrived at the conclusion that "independence in time of war seemed to demand some sacrifice in peace, as in the case of iron," and iron alone, I am at a loss to determine. In the memorable July, 1776, a committee of thirteen, one from each of the States, was appointed to make inquiry for virgin lead, leaden ore, and the best method of collecting, smelting, and refining it; and on the same day the same committee were directed, in the recess of Congress, to inquire into the easiest and cheapest method of making salt in these colonies.

December 29, 1776. It was resolved, That it be earnestly recommended to the several assemblies, or conventions, immediately to promote, by sufficient public encouragement, the making salt in their respective colonies.

June 3, 1777. *Resolved,* That a committee of three be appointed to devise ways and means for supplying the United States with salt, &c. &c.

How does it happen, sir, that these resolutions stand forth in such bold relief on the journals of the old Congress? Think you they knew what was necessary in time of war? Did they not find lead and salt quite as necessary, and more difficult to be procured than iron? Why, then, admit iron alone as a necessary in time of war? Why, in fixing the duty on lead and salt, have no regard to the principle laid down as to iron? Why, as to those articles, have no regard to the basis and foundation (as stated in the report) of the present bill, the tariff of 1816?

But the gentleman from Pennsylvania, [Mr. Gilmore,] one of our two friends of protection, on the committee, insists upon it that iron is protected by the present bill, and with that he seems to be satisfied. Suppose iron and coal are protected, are there no other important interests in Pennsylvania and the other States? If the provisions of the bill are partial and unequal, they are unjust. Our tariff must be a fair and equal system, without laying unreasonable burdens, or conferring special benefits. Should a bill pass this House, and become a law, by accident, or combination, manifestly unjust, protecting some interests, and abandoning others, it would not meet the approbation of the people. Those interests abandoned would hereafter claim protection, and their claims would be allowed. They would claim equalization, and justice would be awarded, by levelling up or levelling down the duties.

Mr. Chairman, according to the usage of this House, the whole bill is fairly before us for examination. I will now, for a few minutes, notice the proposed amendment which will first be decided. I allude to the proposition to strike out so much of the bill as proposes a new tax on tea and coffee.

Sir, tea and coffee are of universal use, and essential to the comfort and happiness of the people of the United States. With a full knowledge of this fact, and a strong disposition most effectually to relieve all, without injuring any, no longer ago than July last, Congress (yes, we ourselves, two-thirds of us voting for it) repealed this very duty on tea and coffee. We relieved the people of this burden; and the law repealing the duty on coffee is to take effect in March next, and on tea at a more distant period.

But, sir, the committee inform us in their report, that "to this annual amount, however, of fifteen millions, the revenue must be reduced. All beyond this must be a needless burden upon the people." In accordance with their report, the committee have proceeded to reduce duties, in my opinion, without duly regarding the interests of the country; and then propose to assess this tax on tea and coffee. Revenue superabundant, all beyond a needless burden upon the people! Why, then, afflict them with this oppressive and uncalled for tax? For if not wanted, it is oppressive.

There are many reasons, sir, why this tax should not be laid. I will briefly state some of them.

As I have already hinted, it is a tax upon an article of universal consumption. Tea and coffee cannot be produced in our country, and therefore, if necessary to our happiness in peace or war, we can have no motive to even attempt to produce them. These articles are not only of universal consumption, but their use will be increased. The great and glorious temperance reformation, which God grant may continue until it has had its perfect work, will greatly increase the use of tea and coffee as a substitute for ardent spirits.[*] I rejoice at the refusal of the tax in July, on that account among other reasons. I hope we may not, by our legislation, in the smallest degree, check a reformation essential to national honor, character, and salvation. I confess, the reduction of duties on spirits, and the imposition of duties on tea and coffee, look as if, in our desire to effect some political object, we had overlooked the great moral effect upon our country.

Sir, coffee and tea do not come in competition with any production of our country; and no articles can be found so valuable to our commerce and navigation. They are of great value; may be safely kept for a long time; and coffee improves by age. Every thing conspires to render the extensive importation of these articles a source of greater profit and benefit to the country.

The gentleman from Connecticut, [Mr. Ingersoll,] in his able argument, informed us that coffee, in particular, was purchased in exchange for our own productions; and though I do not certainly know the fact, I will hazard the opinion, that tea is often purchased with the cotton of the South, by drawing bills on London. Another important fact is worthy of consideration: we import tea and coffee not only for ourselves, but for other nations. By the talent and enterprise of our merchants, our country is made the great depository of the articles in question.

We imported during the year ending 1831, of coffee, - - -	79,010,212 lbs.
It was estimated that we used in 1830,	38,500,000 lbs.
Leaving at least, for exportation, -	40,000,000 lbs.
We imported during same year, teas of all kinds, - - - - -	5,459,293 lbs.
By the report of the Secretary of the Treasury, the duties paid on those articles in the above year were, -	$3,291,759 49

I am aware that that sum will be somewhat reduced by drawback. I presume the importation has been still greater the year past. Does the law of July, repealing those duties, and others, offer no relief to the people? The people know better. By that tariff they were relieved of six millions of duties. The duty now proposed to be again laid on the same articles, not only imposes unnecessary burdens upon the people, of the most offensive character, but goes far to destroy the foreign trade, so useful and beneficial to the country. These articles, so important and necessary to the happiness of the people, of so great amount and value, are, and always must be, of foreign growth. It is, then, the part of wisdom and true political economy, to secure and provide at all times, within the country, an abundant supply. How is this to be effected? Allow tea and coffee to be free articles, unembarrassed by any custom-house exactions. Allow our merchants freely to compete with foreign merchants. Then, indeed, will our country be the great depository for tea and coffee; not only affording an abundant supply for ourselves, but large quantities for exportation to foreign countries. This supply in the country will always secure us against all monopolies, and from all scarcities in the market, and ensure the articles at a reasonable price.

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[*] Since this speech was delivered, I have met with the following information:

"A letter from Copenhagen states that, since the formation of temperance societies in Sweden, the importation of coffee into Stockholm has been increased, between the months of January and August last, by a million and a half of pounds."

But, sir, we may be told all this foreign trade may be equally encouraged by a drawback, or by warehouses where these articles may be placed. The fact is not so. Bonds and warehouses are very useful, and may and do offer all the facilities in the power of Government, provided a duty be laid. But every body must know they are very serious incumbrances; incumbrances that should not be allowed to exist in the present case, if we sincerely desire to promote successful competition with foreign nations. There must be limitations, as to time, in drawbacks. If we import tea and coffee for European markets, the competition with Europeans must be a severe struggle. It profits us much every way, and we are bound to consult the interests of the nation, and do nothing unnecessarily to hinder or impede such commerce, but all in our power to encourage it. Sir, the amount of duty now proposed to be laid on tea and coffee, according to the last amendment, if adopted, will be more than a million of dollars. I have no doubt, should this new tax go into effect, that, by the clogs and discouragement it would impose upon the importation, and the expense and premium it would unavoidably add, the price would be enhanced to double the amount of the tax to the consumers. Why burden the people at this time by an unnecessary tax of two millions? Why resort to new taxes? when our ostensible object is reduction, when we are so often reminded that our revenue is more than is wanted, and that the excess must be reduced by the present Congress, at the present time. Sir, when the Parliament of Great Britain imposed a tax on our tea, when we were unrepresented, and, without our consent, our worthy and patriotic mothers renounced its use, and our fathers threw it overboard. But when we formed a Government of our own, and were represented, all, all have cheerfully submitted to heavy taxation upon tea and coffee, and many millions of dollars of revenue have been raised by these duties. Last July we ascertained that the tax was no longer needed, and we gladly repealed it. Let us not be found retracing such steps of wise, useful, and beneficent legislation. I will not believe, until I hear the ayes and noes, that we shall again assess this tax upon the people. The committee inform us that "we are out of debt, have an overflowing treasury; that the excess and surplus must be reduced; that the people must be relieved of their burdens;" and yet, strange as it may appear, they propose a new tax on tea. I will read a short extract from their report:

"They also propose to fix a moderate specific duty, equal to about twenty per cent. on the value upon teas, which were made wholly free by the act of the last summer. This has been added from a motive of financial prudence, lest the revenue from the customs should, from any modification of the bill, or other cause, fall short of the estimate, or lest the proceeds of the public lands should be in part diverted to some other source; in either of which cases an increased revenue would be derived from this source, of about 700,000 dollars, calculated on the rather short importation of tea in the last year."

The chairman of the Committee of Ways and Means remarked in his speech, that he should "now come to another class of objections. These are in regard to the amount of revenue to be derived from this bill. It is indeed difficult to reply to all these. They remind me of the story told of (I think) Dean Swift, who once asked an acquaintance, 'Did you ever find any good weather in the course of your life?' The other replied, 'Yes, thank Heaven! a great deal.' 'Now,' said the cynical wit, 'I never did: I have always found it too hot or too cold, too wet or too dry.' Our poor bill has met with even harder censures than that of Swift upon the weather. It is not only too hot or too cold, too wet or too dry, too high or too low, alternately, but all of them at the same time."

Again: "These duties have been added, as I before suggested, as a precaution against any deficiency of the revenue from the withdrawal of the proceeds of the lands, or any other cause whatever. I will also add, for the satisfaction of one of my Connecticut friends, [Mr. Ellsworth,] who questioned me on that point, that they were added on the protective principle. They were put in to secure sufficient revenue in any case."

Sir, if the honorable chairman will allow me, I will show the application of his own story to his own case. His report and bill begin by asserting and assuming that the tariff must be repealed, because we have more revenue than is wanted, and we are bound to relieve the people of burdens; and the bill ends by burdening the people with a new tax on silks, tea, and coffee, as a precautionary measure. The beginning and end of this short bill come as near blowing hot and cold in the same breath as any thing I ever met with; and if it pass and become a law, "our good weather" will indeed be clouded and overcast with gloomy prospects.

But these new duties are "precautionary" and "protective." If sufficient caution has been used to ascertain that we have a surplus revenue, why assess new taxes by way of precaution? If the amount of revenue be so uncertain, why repeal the tariff?

Sir, the report of the committee is before us, and was not drawn by unlearned or unskilful hands. It is no more than fair to presume it makes the best of the case. It is intended as the foundation and argument to sustain and support this bill. It speaks a language to my mind not to be mistaken. The fair inference from the whole report is, that the committee are not and cannot be sufficiently informed as to the amount of revenue which will be required the ensuing year. They are not and cannot be sufficiently informed as to what will be the effect and what the amount of duties under the tariff of July, 1832. They acknowledge their lack of information, information to be obtained alone from experience. They acknowledge it by the doubtful and indefinite manner in which they make their specifications; they acknowledge it not in words only, but by their deeds; by their allowance for "lee way;" by their seizure upon silks, and tea, and coffee, as sureties, as the chairman says, upon "protective principles," to protect them, I suppose, from their own errors. Sir, in making estimates with a pencil in one's hand, it is very easy to add or subtract a figure which may increase or diminish the revenue thousands or millions. This may be done honestly, according to one's hopes, or fears, or theory of political economy. I, too, have made estimates; but, as I have spoken lightly of others, I will not offer my own. This House cannot pretend to have better information than the committee; then, most assuredly, we are not prepared to act upon this important subject, involving the interest and happiness of millions.

Mr. Chairman: The gentleman from Tennessee [Mr. Polk] favored us last evening with his speech upon the bill. He commenced by deprecating a discussion upon its general principles as a mere waste of time. He conjured the House to act promptly, (in two or three days, I believe,) and considers the subject familiar to the whole country. Does the gentleman refer to the subject of a tariff? a system of duties generally? or does he refer to the report of the committee and the bill we are considering? If to the latter, I assure the gentleman the subject is not familiar to the country, or even to this House. It needs much examination. But the gentleman says, proceed, and make amendments. Where shall we begin? How much shall the present revenue be diminished? Will the bill before us reduce the revenue? What will be the general as well as particular effects of the measure upon the prosperity of the country—upon its labor and capital? Does it become us, who have spent so many months in forming a tariff, now so rashly and rudely to attempt to defeat its operation? I rejoice that the gentleman assures us, and I question not his sincerity, that the bill affords sufficient protection to manufactures, and, as I understood, to all other important interests in the country. I do not rejoice because I think the gentleman and the committee have, by the bill, effectuated their object. Far from it. But I rejoice to learn it was their intention so to do. I had feared that they, in the discharge of what they considered a strange work, a painful duty, found it necessary to abandon to utter ruin many important interests and manufactures. I repeat, sir, it gives me pleasure that we have the hope and prospect, when we proceed to the details and amendments, that the committee will, if convinced that the bill may prove ruinous to any branch of manufactures, or any important interest, consent and aid in its amendment.

I beg leave, sir, to express my approbation of another rule for our action, which has been laid down with much emphasis by that gentleman—a rule which I understand will govern him and other gentlemen of the Committee of Ways and Means. I refer to the statistical evidence. Indeed, if we will not obtain information from those who alone possess it, we shall seek it elsewhere in vain. The gentleman has not only laid down the rule in theory, but carried it into practice, and read many passages to prove, from the testimony of the manufacturers themselves, that the bill before us will not injure them. This statistical evidence, read partly from a volume just published by order of this House, and collected by the Secretary of the Treasury from the manufacturers, the gentleman says, should govern and control our decisions. I concur, in the main, in his views upon this subject. The evidence is certainly entitled to much consideration. The gentleman has read the statements of several manufacturers, who speak of twenty or thirty per cent. profits--most extravagant profits. He particularly notices the report of a Mr. Shepherd, of Northampton, Massachusetts. I have heard he has since failed in business. I should always expect such men would fail; because, in reality, no such extravagant profits, for any length of time, can be made. Those men who make such erroneous and extravagant calculations, consult their imaginations and hopes more than arithmetic, their day-book, and ledger. If we would derive useful information from the book, we must not be governed by a few isolated cases, especially if they are contradicted by the weight of evidence.

If manufacturing were, indeed, so profitable, would not more capitalists engage in it? We have, in the North, no opportunity to speculate in boundless forests of the best of land. Sir, there is no lack of disposition to adventure and speculation, but our surplus capital is employed and let at a very moderate rate of interest, for the plain reason that our situation and business afford no opportunity for great gains.

But one of many volumes, a small part, has been published, giving the returns of the manufactures of Maine and Massachusetts. The remainder is still in manuscript. The gentleman has read but few returns, and those only upon the subject of the cotton and woollen manufactures. Sir, I thank him for introducing the book, and invite his attention, and the attention of the House, for a few minutes, while I examine the returns in regard to some other manufactures. The gentleman informs us particularly that the woollen manufacturers can get on well; because, among other things, they are relieved from the tax on indigo, dyestuffs, and olive oil. The chairman of the committee, in his speech, also alluded to the reduction of the duty on olive oil.

Mr. Chairman: Olive oil is used in the manufacture of woollens, and is a substitute for spermaceti oil. Both bear very nearly the same price in the market, and they rise and fall together. By the law of 1816, which we were informed was the basis of this bill, the duty on olive oil was twenty-five cents a gallon. The same duty was continued until July last, when it was reduced to twenty cents. I have been quite as desirous as the committee can be, to have this and other duties reduced as low as possible, consistent with safety, and the true interests of the country. I trust the whale fishery will be protected; that while these daring fishermen are lawfully pursuing their hazardous enterprises, even to the other side of the globe, they may look back upon their beloved country with an eye of faith and assurance, that they cannot go beyond the reach and regard of its protection.

I now invite the gentleman, and the committee, to turn to page 97, Document 3, No. 14, in the same book from which he read last evening. I invite him and them to examine the report. I do not feel at liberty to read more than two or three short extracts: "Answers of Hon. Barker Burnell, of Nantucket, to question 25.—Olive and other imported oils come in competition with oil and candles; and, should the duty on olive oil be repealed, it would most seriously affect their production." "To question 34.—The specific duty of 25 cents per gallon does not prevent large importations of olive oil." The same facts are stated in page 203.

In the memorial of the citizens of New Bedford, which was presented to this House in February, 1832, and printed, it is said, "The proposed repeal of the duty on olive oil presents, in our view, a question of great importance. To expose the large products of our spermaceti fishery, without any protection, to a competition in our own markets with foreign oil, would, in our opinion, not only endanger an extensive and very important branch of our national enterprise and industry, but endanger it, for the purpose of extending to other branches of that enterprise an incidental and limited benefit."

I also refer, sir, to the memorial of the inhabitants of Nantucket, which is printed, and in our books, and presents a very able statement of the whale fishery, and the reasons why this duty, as a matter of justice and policy, ought not to be repealed. It is proposed to reduce the duty to aid the manufacturers. I have shown clearly, by the book, the statistics, and by the memorial, that, at a duty of 25 cents per gallon, a considerable quantity of olive oil has been imported, to the exclusion of our own oil. In the year ending December, 1831, there were imported 231,608 gallons of olive oil, on which a duty was paid of $57,902. The duty on olive oil was fixed at 25 cents per gallon, by the law of 1816. By the tariff of July last, it was reduced to 20 cents per gallon. The present price of olive oil is about one dollar and ten cents per gallon, and, by the present bill, it is proposed to reduce the duty to 10 cents per gallon; about eleven per cent. upon its present value.

The whale fishery is, in some measure, local; though at present it is rapidly extending in Rhode Island, Connecticut, and New York. I cannot believe its value and importance is understood. If it were understood, surely it would not be hazarded for a few thousand dollars. I trust this committee will allow me, in a very few words, to state the amount and value of this fishery.

There are now engaged in it more than three hundred ships of best quality, their tonnage exceeding one hundred thousand tons; seamen employed, seven thousand; value of the ships and outfits, seven millions of dollars; yearly income, probably five millions of dollars. Very considerable manufactures are connected with, and result from, the fishery, which I have not time to specify. The annual expenditure for casks, provisions, &c., exclusive of labor, in fitting out the ships, may be estimated at not less than one million eight hundred and eighty-one thousand seven hundred and fifty-seven dollars. This fishery was well nigh destroyed by the late war. It has received no extraordinary encouragement from our Government; but it has been protected abroad; and, in 1816, by the tariff then made, it received protection by a duty of 25 cents per gallon on the importation of olive oil. Sir, I think, from the statement of facts I have given, every body must be satisfied with its present prosperity and success. We have no market for our spermaceti oil but in our own country. Great Britain excludes it, and other nations do not use it. We have an abundance, and shall soon have a surplus. Shall these fishermen have the benefit of our own market? or shall this valuable and important interest be hazarded and jeopardized for the sake of reducing the duty, for a short time, on olive oil? I have, sir, in my hand, a book, which I esteem valuable; it is Document 99: An authentic statement of the fisheries, and laws in relation to those of England, France, and the Netherlands, communicated to this House, last year, by the President. I am not about further to fatigue the committee, by reading from this book. But when we are adopting a policy deeply affecting a most important national interest, a navigating interest, an interest all-important to national defence, to our navy, would it not be well, for a moment, to examine the policy of those nations? I will begin with Great Britain. She gives liberal bounties, and excludes our oil by a duty of forty-five cents per gallon. France gives a most liberal bounty of eighty francs per ton, if manned (as our ships are) with native seamen, and less, if partially manned with native seamen. The like bounty to our whale ships would amount, I believe, to no less than $1,500,000. Poor Holland, in the hope and desire, if possible, of renovating her former maritime spirit and enterprise, is not less liberal in her bounties. Our fishery, by the force of superior talent, courage, enterprise, and skill, has succeeded without bounties. Sir, it asks none—it needs none. Obtain for our fishery the market of England, (the only market for spermaceti oil,) and those interested will gladly relinquish, not only ten cents duty, but all duty on the importation of foreign oil. But Great Britain, mistress of the ocean, dares not consent to such a treaty of reciprocity. She dares not hazard her whale fishery on terms of fair and equal competition with ours. Is our astonishing and unparalleled success in this most hazardous and adventurous employment matter of no national pride and exultation? Do we not learn by this success the true cause of our naval triumphs? I detract nothing from the high merit of the officers of our navy; justice will always award to them their share of the glory of victory. The maritime Powers of Europe have been taught the value of seamen like ours, and their high bounties show their policy and desire to obtain them. We have them without cost, and their value cannot be estimated; and yet we are gravely deliberating whether, to save for a short period a few cents per gallon on olive oil, we will put to hazard the whole interest, and drive our protectors from the ocean. The manufacturers of woollens do not desire it; they ask that their own interest may be protected, but surely they will neither ask for, nor consent to, the destruction of others. At a proper time I shall submit a motion to strike out so much of the bill as fixes a duty of ten cents per gallon on olive oil. If it prevail, and the section be stricken out, as I trust it will, the duty will then be as at present, under the law of July last, twenty cents per gallon.

Sir, I now ask the attention of the committee for a moment to the statistics in reference to flint glass. In page 308, I refer to the statement of the glass manufactories of Sandwich, in my own district. They use, yearly, lead of Missouri and Illinois, 338,000 lbs.; pearlash of Maine, New Hampshire, Vermont, New York, and Massachusetts, 228,000 lbs.; sand of New Jersey, 416 tons; coal of Virginia, 700 tons; corn of Maryland, 10,000 bushels; flour of New York and Maryland, 1,000 barrels; hard coal of Pennsylvania, 150 tons.

Sir, the art of manufacturing glass in this country is perfect, and the materials, especially the lead, better than any imported. Our flint glass, whether plain, pressed, or cut, is manifestly superior to European glass. We have actually made some important improvements in the manufacture of pressed glass. A few years since one cargo was sent to England, the duties paid, and the glass sold; but, without delay, the English manufacturers sent skilful men here, and obtained our art. Our lead, and coal, and labor, cost something more than in Great Britain. Will you take this lead and coal, &c. and manufacture them into glass, or abandon your mines, and go at once to England? The materials are collected from widely distant parts of our country, and from nine different States; but they are carried in vessels at a small expense. This manufacture brings into use lead, coal, &c., which would otherwise be useless. Cannot those who possess the coal, and lead, and pearlash, and sand, and corn, and flour, exchange them for glass, easier, and on more favorable terms, than to pay the cash for English glass?

Sir, I am pleased with these statistics, for another reason. This little story of the Sandwich glass manufacture is worthy of notice. The materials and food are furnished by nine different States of this Union; and each might well be pleased with the beautiful glass it has contributed to make, and all may rejoice in their mutual abundance and mutual dependence. The present bill, without amendment, would prostrate the manufacture of glass throughout the country—an example of which I have given. I will add to these remarks hereafter, if necessary, when the proposition may be made to amend the bill as to the duty on glass.

Sir, I beg your attention, and that of the committee, to page 91 of the document before us. You have there a very full and perfect account of the manufacture of salt in the county of Barnstable, Massachusetts, by Messrs. Crocker & Otis. They state that there are in the county of Barnstable 1,414,608 feet of salt works; capital invested, $1,414,608; lumber from Maine, of which the manufactories were built, cost $707,304; salt manufactured annually, 397,032 bushels, of 75 lbs. each, of the best quality, manufactured by solar evaporation, like Turk's island salt. These manufactories are not large, but are owned by eight hundred and eighty-one different individuals. The income is less than six per cent. on the capital, as appears by the report. These numerous owners, together with others who manufacture salt in the country, carry their salt to market, and there meet the foreign salt; and the competition has materially reduced the price, and ensured to the country at all times a sufficiency of this necessary of life. The duty has already been reduced the last year from twenty cents to fifteen, and now to ten cents per bushel. Why reduce it further? Why prostrate and destroy the manufactories? With what anxiety did this country once look to the important discovery of manufacturing salt? In the course of fifty years it has been brought to great perfection; but ships returning from Liverpool can bring salt in ballast from the mines a few cents a bushel cheaper than it can be manufactured here. These importations are precarious, and the price will be, as it has been, uncertain. Destroy the manufactories, rely upon importations alone, and, my word for it, the price of salt would be raised and fluctuating, and, in case of interruption of our commerce, trebled.

The salt manufactories in the interior, as well as on the seaboard, in this country, have cost not less than seven millions of dollars; and we now manufacture between four and five millions of bushels of salt yearly, on the seaboard and in the interior. The tax is not an unequal one, nor can any part of the country complain that it pays more than its proportion. I subjoin a table showing the quantity imported into each of our ports in the year 1831.

Importations of salt at the following places in the year 1831.

Passamaquoddy,	13,169	New York,	665,514
Frenchman's Bay,	2,833	Bridgetown,	5,435
Penobscot,	29,690	Philadelphia,	227,502
Belfast,	17,942	Delaware,	5,721
Waldoborough,	16,300	Baltimore,	222,098
Wiscasset,	28,304	Vienna,	4,326
Bath,	127,937	Georgetown,	304
Portland,	233,369	Alexandria,	43,241
Kennebunk,	4,287	Richmond,	116,238
Portsmouth,	197,952	Petersburg,	52,113
Vermont,	9,552	Norfolk,	132,193
Newburyport,	48,619	Camden,	22,688
Gloucester,	13,702	Edenton,	17,819
Salem,	20,824	Plymouth,	15,549
New Bedford,	24,183	Washington,	5,891
Dighton,	6,766	Newbern,	16,277
Plymouth,	43,648	Beaufort,	2,551
Marblehead,	9,754	Wilmington,	31,195
Boston,	444,719	Charleston,	372,055
Providence,	79,345	Savannah,	275,699
Bristol,	4,009	Mobile,	231,118
Newport,	3,192	Key West,	4,811
Middletown,	30,723	Appalachicola,	550
New London,	10,785	St. Mark's,	6,124
New Haven,	60,728	New Orleans,	526,402
Fairfield,	4,339	Brunswick,	8,027
Champlain,	879		
Oswegatchie,	15	Bushels,	4,494,006
Gross duty, at 15 cents per bushel,			$674,100 90

Treasury Department,
Register's Office, June 7, 1832.
T. L. SMITH, *Register.*

I forbear, sir, to read more from the book before me. I leave the task to others more competent to correct the errors of the gentleman from Tennessee and the committee, in relation to the all-important interests of the cotton and woollen manufactures. I will notice some other amendments at a future period.

But, sir, it seems this testimony, this statistical evidence, the evidence so all-important upon which this bill hangs, has been printed only in part, and a small part, too, and not yet laid on our tables. But the gentleman from Tennessee informs us he has examined the statistics, and he has volumes of manuscript before him; volumes which have not been examined by the members of this House. Shall we act upon faith? or rather, shall we not have the documents printed, that each member of Congress may read for himself, and understand for himself? But they cannot be printed in season for use during the present Congress. If I am called upon to give a verdict upon the bill, let me first hear the evidence as well as argument. Show me the statistical evidence which the gentleman admits to be so all-important, which governs him, and which will, in a great measure, govern me. The evidence is complicated, and may, in some cases, be contradictory; let us examine and cross-examine it for ourselves, and then deliberate and decide.

Mr. Chairman, if we are resolved to reduce the revenue at this time, we ought to avail ourselves of our own tariff of 1832. We know that that act was adapted to the present condition of the country, and passed with great deliberation. Let then that tariff be established as the basis, and let such a per centage be deducted from it as may be judged expedient.

But, sir, the committee say the revenue should be reduced by the present Congress, at the present time, because, say they, "the extinguishment of the debt, and the commencement of the new Presidential term, make this a fit season for permanent fiscal regulations." Are these reasons sufficient and satisfactory? Will they justify us in repealing our own acts passed so lately, so deliberately, and by so great a majority? Does it become us to speak of permanent fiscal regulations when we are not content to wait one year to learn the practical effect of our own tariff? I know it would be rather an interesting fact to record on the page of history, that, on the commencement of the second term of the Presidency of General Jackson, we adopted permanent fiscal regulations; but let us remember the same history must record our vacillating conduct, and the many and great evils the people have suffered from the innovations we have made in our own laws—the short-lived permanency of our tariff.

I have, Mr. Chairman, endeavored to examine the report and bill with care. I trust I have shown to this committee, conclusively, that the reasons and argument of the report do not support the result, the bill. The cause is inadequate to the effect. I take it to be a correct principle in political as well as natural and moral philosophy, that every effect must have been produced by a sufficient and adequate cause. I am compelled to seek for the cause of the bill we are considering elsewhere than in the report. I do not learn it from the public speeches, but I do learn it from private conversation, frequently a much more sure test of real opinion, and the true cause of action in this House. On my arrival here, at the commencement of the present session, and ever since, the question has been asked again and again, and by a number of members of this House, "Are you willing to make a new tariff?" When the objections and evils are suggested, these gentlemen immediately answer by asking another question: "Would you not rather repeal the tariff than suffer the evils of nullification, secession, and civil war?" I answer, in the first place, I do not believe these calamities will happen; and, secondly, even if there be danger, we have no right to do evil and injustice to our constituents and the country, that good may come. Let us do our duty, and leave the consequences. God alone can overrule evil for good.

Mr. Chairman: I cannot boast that I have more firmness than other gentlemen in this House, and I will not admit I have less sympathy for the sufferings and misfortunes of any portion of my fellow-citizens; but, sir, I cannot allow my understanding to be controlled by the unjust and unconstitutional demands of nullification. To be controlled by such threats, and influenced by such apprehensions, would indeed be taking counsel of fear.

I admire the eloquent dissertation the honorable chairman gave us yesterday upon fear. He observed: "There are, however, other fears of a different sort. There may be fear of taxing the citizen to enrich the treasury; and fear of weakening the bonds of union, the strongest bonds of union, the bonds of willing hearts, the feelings of loyal attachment to this Government, by unnecessary taxation; fears for the public peace; fears, not of any present danger, but for the permanent stability of our constitution. For such fears in myself, or in my friends, I cannot blush."

But the honorable chairman assumes the whole question in controversy. He assumes that we have a superabundance of revenue; that it must now be reduced; that we must hasten to repeal the tariff; finally, that the bill he has introduced, and which we are considering, is wise, just, and expedient; and, above all things, that we ought to establish permanent fiscal regulations, to commence with the present Presidential term. With these assumptions of justice and expediency, the gentleman's honorable, patriotic, and praiseworthy fear is intended to goad and push us forward in the discharge of our duty.

But, sir, as often as I am called upon to act, I call for the reason for action. No satisfactory answer has yet been given to my call. I find it not in reports; I hear it not in speeches; but I think I distinctly perceive its influence and operation through those honorable and praiseworthy fears for which gentlemen cannot blush. I deprecate the advice of such counsellors upon cold calculations of dollars and cents in a tariff bill. Under the influence of such feelings (without suspecting it) we may abandon the dearest interests of our beloved country, and inflict a deep and lasting wound upon her faith, and honor, and prosperity.

South Carolina demands, positively, that this nation abandon discriminating duties and the protective policy. The committee have not yielded to that demand in their report or bill, but have honorably and firmly maintained the system. But, sir, my apprehension is, that, while the principle is sustained by the bill, it will be so unjust in its operation as to sacrifice millions of property, and the comfort and happiness of thousands and tens of thousands of honest, worthy, industrious fellow-citizens, who by the "sweat of the brow earn their daily bread."

Sir, the bills falls entirely short of the demands of South Carolina, which have been stated with precision and exactness. We cannot satisfy South Carolina. Her unreasonable claims must be rejected. Nullification and secession are but new words for revolution and rebellion. We cannot pass the bill under consideration, because it yields important national interests. But suppose gentlemen differ from me in this opinion; can they suppose the high-minded, chivalrous citizens of that State will be satisfied with a law that does not yield to them one tittle of the principle for which they so zealously contend? The controversy between South Carolina and the United States has assumed such a definite form that it must come to an issue. It is vain and useless to deceive ourselves by false hope of relief through the means of miserable expedients. The principles of South Carolina must be overcome and put down, or the Government of the United States is virtually at an end. There is no middle ground; it is Government or no Government, constitution or no constitution. Of course, I mean to be understood with limitations and restrictions. Our Government and constitution must be sustained, or our liberty is gone forever.

Sir, much has been done already to relieve the people of the burdens of taxation. The tariff of last session reduced the duties more than six millions of dollars. Our public debt is paid; we are at peace with all the world; our prosperity is unequalled, and yet we are restless and unsatisfied. The complaints of some portions of the country are loud, and violent, and threatening; their opposition is organized, their claims are specific. Shall we yield to their demands? Surely we cannot. To do so would be an abandonment of our constitution and Government. We might, indeed, retain a little longer its name and form, but, divested of its spirit and essence, who would value a name that had lost its import and signification? Our constitution and free Government were purchased by the treasure, sufferings, and blood of our fathers, and by their testament have been bequeathed to us. I value it highly for what it cost; I love and value it still higher for its intrinsic excellence. "My love casteth out fear." It must put down nullification, secession, and rebellion; it must put down faction and revolution, under every guise, and name, and form they may assume; or it must fail to protect and bless the people, and cease to command their reverence and obedience. The path of duty is plain, though sometimes painful. Under the constitution, the Government of the people of the United States is now entrusted to our care: God forbid that, from any cause, we should be led to betray that trust.

If the bill I have spoken so much of, be intended as a peace-offering, I would answer, I have no authority to yield the rights and interests of my constituents; besides, we have the *sine qua non* of South Carolina, and know the sacrifice cannot be made.

Mr. Chairman: Under a free Government there will be honest differences of opinion, and love of power will manifest itself in every form. Those to whom the destiny of this great and flourishing republic may be confided, must not be deceived by art and design, nor overawed by violence and passion.

I have detained the committee too long. I am aware my remarks have been desultory, but I desired to speak of the policy, generally, from 1816, which required me to speak of many things, old and new.

In my judgment we ought to postpone this bill. We have yet to learn the practical operation of the last tariff. Let us submit to be taught by experience, the only perfect instructor. If the best interests of our country shall require further changes, let them be made. May those upon whom may be devolved the responsibility of making amendments, act candidly, honestly, and deliberately, unawed by fear, and uninfluenced by ambition or the ambitious. May our fiscal regulations be founded upon equal justice and sound policy, and may the people see the foundation upon which they stand; and God grant they may be permanent.

Mr. APPLETON, of Massachusetts, next rose, and addressed the committee as follows: I have no doubt, said he, that this committee will give me full credit for sincerity when I assure them that it is with extreme reluctance that I rise to address them on this occasion. Certainly, nothing in itself can be more appalling than the idea of making a speech upon the tariff; which, of necessity, must be expected to be far more tedious than any merely thrice told tale. But the great amount of capital belonging to my constituents, involved in the decision of this question an amount far greater, I apprehend, than is represented by any other individual on this floor, imposes on me a duty which I dare not avoid. Nor is this all. The principles embodied in the bill on your table, and the circumstances under which it is brought forward, give to this measure an importance, a solemnity, which have attached to few questions which have been agitated since the establishment of the Government. It is, in my estimation, intimately connected with the permanent peace, happiness, and prosperity, if not with the very existence of this Union.

Now, sir, what are the circumstances under which this measure is brought forward? Notwithstanding the greater part of the last, long protracted session was occupied on this subject; notwithstanding the result of those labors was the passage of a bill, by the votes of a majority of this House almost unprecedented in any important measure—a bill which was received throughout the whole country with all but universal satisfaction, as a fair compromise, as the harbinger of peace, of reduced excitement; notwithstanding all this, we are now informed, by authority, that we must review our work; that that bill will not do; that the whole matter must be gone over again.

The measure before us naturally presents two questions: the first, whether it is necessary, proper, or expedient, that we should pass any bill on this subject; the second, whether, on the supposition that that question is answered in the affirmative, this is such a bill as we ought to pass.

Notwithstanding the impatience of the honorable gentleman from Tennessee, [Mr. Polk,] that we should come to the details of the bill, I must first discuss the preliminary and previous question--are there any good reasons why we should pass any bill at all?

Why, Mr. Chairman, should we disturb the act of last July? Nobody dreamed of doing so before the meeting of Congress. All the reasons are to be found in the communications to this body from the Executive. Let us examine them. The duty is urged upon us of reducing the revenue to the expenditures of the Government; and the first question is, what relation do they now bear to each other?

The President informs us, in his annual message, that "It is expected, however, that, in consequence of the reduced rates of duty, which will take effect after the 3d of March next, there will be a considerable falling off in the revenue from customs in the year 1833. It will, nevertheless, be amply sufficient to provide for all the wants of the public service, estimated even upon a liberal scale, and for the redemption and purchase of the remainder of the public debt."

Well, sir, then for 1833 there is no difficulty. Notwithstanding the reduction in the term of credit for duties after the 3d of March, and the circumstance that a considerable portion of them will be payable in cash, thus concentrating a great part of the revenue of two years, the revenue is only expected to be amply sufficient for the expenditure, including the reimbursement of the balance of the public debt, so that for a year to come, at least, there can be no surplus.

We are next told that "the final removal of this great burden [the public debt] from our resources affords the means of further provision for all the objects of general welfare and public defence which the constitution authorizes, and presents the occasion for such further reduction in the revenue as may not be required for them."

Here is a sentiment to which the whole nation will respond; the happy era of freedom from debt, presents an admirable opportunity for doing something liberal and glorious for the general welfare.

But, sir, without making any calculation for these proposed objects, of which the Secretary of the Treasury, in his annual report for the last year, furnished us a long list, have we arrived at a point where we can decide with any degree of certainty or confidence that the revenue, under the bill of last session, will exceed the proper and necessary expenditure of the Government? That bill was framed for the express purpose, and with the express view, to reduce the revenue to the amount of the expenditure, and, at the same time, to preserve that incidental protection to manufactures which has always formed a part of our revenue system.

The Secretary of the Treasury informs us, in his last annual report, that he still believes that fifteen millions (as estimated in the report of 1831) is a fair estimate of the probable expenses of the Government, for all objects other than the public debt. I shall assume it to be so; and propose to inquire what reason there is to believe the revenue under the act of July last will exceed that sum.

In doing so, I put out of the question the sales of the public lands, as not furnishing any permanent fund for the expenditure of the Government. It is well known that a bill for the distribution of the proceeds of these sales amongst the several States, passed the other branch of the Legislature during the last session, and was postponed in this House, at the close of the session, by a small majority, on the ground that the time was too short for acting upon so important a matter. There are various other projects for the disposition of these lands; and we are told, by the same high authority under which this bill is brought before us, that "it is our true policy that the public lands shall cease, as soon as may be, to be a source of revenue." It would, therefore, be absurd to take them into view, in an arrangement of the duties intended to be permanent.

Fifteen millions are wanted, then, as revenue from imports, and the question is, whether, under the act of July last, they will produce a greater sum. We find in the last annual report of the Secretary of the Treasury the following paragraph: "Taking an average of the importations, for the last six years, as a probable criterion of the ordinary importations for some years to come, the revenue from customs, at the rates of duty payable after the 3d of March next, may be estimated at eighteen millions of dollars annually."

As the Secretary has not informed us of the process by which he comes to this result, its correctness can only be tested by such data as the official documents furnish; and I confess I cannot, by any calculation which I can make, come to the same result. But, before presenting my own calculations, I must call the attention of the committee to another circumstance connected with this inquiry, of a character altogether extraordinary. The President, in his last annual message, urges the necessity of reducing the duties to the revenue standard; and the Secretary of the Treasury, in his report accompanying it, makes use of the following language, speaking of his report of 1831, communicated to this House at their former session:

"In the last annual report on the state of the finances, the probable expenses for all objects other than the public debt, were estimated at fifteen millions. This is still believed to be a fair estimate, and, if so, there will be an annual surplus of six millions of dollars.

"Still firmly convinced of the truth of the reasons then presented, for a reduction of the revenue to the wants of the Government, I am again urged, by a sense of duty, to suggest that a further reduction of six millions of dollars be made, to take effect after the year 1833. Whether that shall consist altogether of a diminution of the duties on imports, or partly of a relinquishment of the public lands as a source of revenue, as then suggested, it will be for the wisdom of Congress to determine.

"Deeply impressed with these reflections, which are now rendered more urgent by the reduced and limited demands of the public service, I had the honor at the last session of Congress to recommend a reduction of the duties to the revenue standard. The force of those, and similar considerations, and of that recommendation, may be supposed to have received at that time the sanction of Congress, and to have formed a motive of the act of the 14th of July last, notwithstanding that it was not then deemed practicable fully to adopt the recommendation of the department."

Mr. Chairman, on reading these passages in the report of the Secretary of the Treasury, I thought it the language of pretty severe reprimand, because we had failed to carry into effect his recommendations for reducing the revenue, and as urging that circumstance as the ground for requiring our further action. In the hurry in which that bill was made to take its final shape, it was not easy to calculate precisely the comparative reduction which it made, as compared with the bill from the treasury: my own impression, at the time, was, that it went quite as far, or farther, than that bill. The language of the Secretary, therefore, a good deal surprised me, as indicating a result so different from my own expectation. It occurred to me, in examining into this matter, to inquire, how far we had failed in our duty; how far we had fallen short of the Secretary's recommendation. I will not conceal my astonishment at the result; and, sir, I ask, what will be the astonishment of this House, should it turn out, after all, that the bill of July provides for as great a reduction of the revenue, as that furnished us by the Secretary himself? Nay, more sir; what will they think, should the reduction under our own bill go beyond that proposed by the Secretary a full million of dollars? It is, indeed, passing strange; but it is said figures cannot lie, and I can bring them to no other result, as the following table will show:

Reductions of duty by the bill of 14th July, 1832, as compared with that reported by the Secretary of the Treasury, on 27th April, 1832, taking the imports of 1831, according to the table annexed to the report of the Committee of Ways and Means, as furnished by the Treasury Department, as the basis.

	Amount.	Rate of reduction.	
Woollens, not exceeding 35 cts. sq. yd.	$1,005,000	at 5 per ct.	50,025
Worsted stuff goods	3,594,000	10 "	359,400
Blankets not exceeding 75 cents each -	650,000	20 "	130,000
Silks from India -	1,804,000	15 "	270,600
Silks, other countries	8,398,000	15 "	1,259,700
Sail duck - -	470,000	21 "	98,700
Manufactures of hemp or flax, (deducting osnaburgs, &c.) -	4,264,000	10 "	426,000
Hemp, unmanufactured,	51,909 cwt.	50 cts. cwt.	25,954
Coffee,	81,757,386 pounds,	½ cent,	408,785
Teas,	5,182,867 pounds,	1 "	51,828
Wines after 1834 -		half present duty,	296,034
			3,377,026

Additions of duty made by same bill.

	Amount.	Rate.	
On wool costing over 8 cents per lb.	1,234,000	34 per cent.	419,560
Woollen yarn,	100,000	30 p. ct. & 4 cts. lb.	50,000
Woollens over 35 cts. square yard,	5,893,000	20 per cent.	1,178,600
Flannels, bockings, and baizes,	350,000	20 "	70,000
Carpetings,	420,000	25 "	105,000
Sewing silk,	649,000	20 "	129,800
Sewing silk from India, -	52,000	15 "	7,800
Indigo, -	759,000	15 "	113,852
Salt, 4,182 bushels,		5 cents,	209,117
			2,303,729

Reductions - -	3,377,026
Additions - -	2,303,729
Balance in favor of reduction	1,073,297

There may be a few other small items, operating both ways, but which cannot affect the result; besides, the addition on raw wool is altogether greater than will ever result in practice: the importation of 1831 being wholly unprecedented, and more than three times the amount imported in any one previous year. It may, therefore, be safely assumed, that the act of July, 1832, reduced the amount of duties more than a million of dollars below those proposed by the Secretary of the Treasury, assuming the import of 1831 as the basis. It would seem, therefore, that if the duties have not yet been reduced to the revenue standard, it is not the fault of the two Houses of Congress, who have actually gone beyond the recommendation of the Executive.

The question then arises, have we any good ground for believing that we shall be overburdened with an excess of revenue under the existing law?

It is notorious that, at the present moment, instead of there being any money in the treasury, the balance is actually the other way. In the correspondence between the Secretary of the Treasury and the President of the United States Bank, it was admitted that the Government would be short at least some few hundred thousand dollars of the amount requisite to pay off the three per cents. on the first of January, and which it wished the Bank to advance on interest. So that, at present, we are in fact somewhat behindhand. Now, the gentleman from Connecticut [Mr. Ingersoll] of the Committee of Ways and Means, has shown conclusively, that, according to the estimates of the Treasury Department, the balance in the treasury on the first of January, 1835, will be less than the appropriations which will then be outstanding. I do not perceive that this statement is at all impugned by that of the chairman of the Committee of Ways and Means [Mr. Verplanck.] The only difference appears to be, that the latter thinks we ought to be constantly in debt to the outstanding appropriations some millions; trusting that they will not be called for until we can receive the amount from new sources. This appears to me rather a niggardly course, as a permanent one, for a Government free of debt, and with a reduced income, as it leaves them no available fund for possible contingencies.

The most important question, however, is, whether the permanent revenue under the act of 14th July, 1832, will probably exceed the sum of fifteen millions of dollars, the estimated necessary expenditure. In recommending the measure of reduction to us, the Secretary of the Treasury, in his annual report of December, 1831, made use of the following very sensible language:

"It will be difficult precisely to graduate the revenue to the expenditure. The necessity of avoiding the possibility of a deficiency in the revenue, and the perpetual fluctuation in the demand and supply, render such a task almost impracticable. An excess of revenue, therefore, under any prudent system of duties, may be for a time unavoidable; but this can be better ascertained by experience, and the evil obviated, either by enlarging the expenditure for the public service, or by reducing the duties on such articles as the condition of the country would best admit."

I agree fully in these sentiments, and they would seem to offer an irresistible argument against disturbing the existing law, until tested by experience. The Secretary of the Treasury, in his communications of the last year, assumed the amount of imports for 1830 as the basis of his calculation, being 70,876,000 dollars. He now assumes the average of six years, including 1832, which gives 86,260,000 dollars, whilst the Committee of Ways and Means assume 100,000,000.

The importation of 1830 was a very small one. In fact, the only correct mode of estimation for the future is to take an average of years, and in the present case the result will be, as nearly as may be, the same, whether we take an average of four or six years. Taking, then, the average adopted by the Secretary of the Treasury, as a fair basis of calculation, and I shall attempt to show that it is the utmost which can safely be taken, from the gross imports of 86,200,000 dollars must be deducted the amount of foreign goods exported, which, on an average of the same period of six years, amount to a fraction over 20,000,000, leaving 66,200,000 as the nett amount of foreign imports, including those free and those liable to duty, consumed in the country, and from which the revenue from imposts is to be derived. The only accurate mode of estimating this revenue, under a change of duty, would be, to take the average amount of each article, liable to duty under the new act, imported for the last six years, and, deducting the quantities exported, calculate the duty on the balance, as the average nett quantity consumed. We have been furnished with no such table; and, in the absence of it, I must take such data as we have. The table annexed to the report of the Committee of Ways and Means gives twenty-three dollars and sixty-six cents per cent. as the average duty payable on the entire import, under the act of July last, taking the importation of 1831 as a basis of calculation. This ratio will give, on the nett import of 66,200,000, a revenue of 15,660,000 dollars, subject, however, to a deduction for the expenses of collection, of about a million of dollars.

Now, sir, I think it can be made apparent, that this mode of estimation gives too high a result, because the import of 1831 embraced imports of certain articles paying the highest rates of duty, vastly greater than the average imports of the same articles for six years, or than can safely be calculated on for the future, as the following:

	Import of 1831.	Average of 4 years.	Rate of duty.
Wool costing over 8 cents,	1,234,000	400,000	54 per ct.
Woollens subject to high duties,	6,100,000	4,100,000	50 "
Cottons,	16,090,000	10,800,000	42 "

Now, it must be apparent that this excessive importation in these particular articles goes to increase the rate of duty on the whole importation very materially over any average of years which can be taken. From a calculation which I have made, these items will reduce the average rate of duty from twenty-three dollars sixty-six cents to twenty-two dollars forty-four cents per cent.; and in this table no allowance is made for the reduction of one-half the duty on wines after the 3d of March, 1834. Putting all these things together, I estimate the excess arising from this mode of estimation, as amounting to at least a million of dollars on the nett revenue, which will reduce it below $14,000,000, on the basis assumed by the Secretary of the Treasury.

There is another view of it. The Secretary of the Treasury communicated to this House on the 4th of June last, through the Committee on Manufactures, a table, containing an estimate of the duties which would accrue under the bill reported by Mr. Adams, the chairman of that committee, taking, as a basis, the importation of 1830, on which the nett revenue was calculated and made to amount to $12,763,000. The import of that year was a small one, amounting to $70,876,000, whilst the foreign exports were $14,387,000, leaving a nett importation of $56,489,000, on which the revenue was to be levied. The bill of the 14th of July last made very considerable further reductions, especially in the articles of tea, coffee, silks, linens, sail duck, and certain descriptions of woollens, amounting, after making full allowance for additions on a few small articles, to more than a million of dollars; or, allowing for a proportionate amount of debentures, making a deduction from the nett revenue, calculated in that table, of full $800,000, and reducing the entire nett revenue, on the basis then assumed, below $12,000,000. If, then, $56,489,000, the nett importation of 1830, gives a nett revenue of $12,000,000, under the law of last July, $66,200,000, the nett average import of the last six years, will give $14,100,000, from which is still to be deducted $300,000 for the reduction on wines, after March, 1834, leaving the permanent nett revenue, on the basis assumed by the Secretary of the Treasury, $13,800,000. This appears to me the only safe estimate which we can make from data in our possession.

It is therefore apparent that, instead of our having any troublesome surplus of revenue over $15,000,000, under the existing law, the probability is, that it will actually fall considerably short of that sum. It is true the Committee of Ways and Means assume $100,000,000 as the probable amount of future importations, and have assumed that as the safe basis of legislation in establishing a permanent system of revenue, presenting the singular anomaly, that in July last we were furnished by the Treasury Department with the basis of $70,000,000, as a datum for legislation, and in the succeeding December our Committee of Ways and Means say $100,000,000 is not too high an estimate, and all this under the same administration. This discrepancy alone would furnish a sufficient reason why we should not meddle with this subject at the present session. It is, however, easy to show that the assumption of $100,000,000 of gross imports, or of $80,000,000 of nett imports, as the basis of a revenue system, is wholly unsafe and unwarrantable. It would seem to have resulted from the fact that our official tables of imports give the amount for the year ending 30th September, 1831, at $103,191,000, and for 1832 at $101,036,000, which might, at first sight, give an air of permanence to these high sums; but a careful examination will show the fallacy which would result from doing so. Every one acquainted with commercial operations, is aware how periods of depression and elevation of prices, of caution and overtrade, follow each other in a sort of irregular circle of years. This is not the occasion to discuss the causes of these fluctuations; but the fact is notorious. Depression is followed by caution, which leads to successful operations, which are pushed on to full, and finally to overtrade, until another depression completes the revolution of the wheel.

The return of these periods is very irregular, but the years 1829-'30-'31 and '32 are a striking illustration of a complete revolution in the short period of four years. Every one knows that the year 1831 was a year of great overtrade; of great prosperity in the commencement of it, and great loss in the end. Every one, therefore, was prepared to see a great increase in our imports of that year, which expectation was, in a great measure, satisfied by finding our official tables giving an import of one hundred and three millions for 1831, after seventy millions in 1830. But the fact that the import of 1832 should still come up to one hundred and one millions, was somewhat puzzling. I was at a loss to account for it myself. Having some recollection of the period when the great increase of imports commenced, and was in operation, it occurred to me that the quarterly returns might throw some light on this matter. Accordingly I obtained from the Treasury Department the following statement of the aggregate amount of imports for the several quarters of the years ending 30th September, 1831 and 1832.

4th quarter	ending	Dec. 30, 1830,	$20,465,508	to 1831,	21,920,495
1st do	of 1831,	Mar. 31, 1831,	22,948,340	to 1832,	33,697,120
2d do	do	June 30, 1831,	28,083,858	to 1832,	23,045,395
3d do	do	Sept. 1831,	31,693,418	to 1832,	22,373,887
			103,191,124		101,036,897

Here the whole mystery is solved; the imports for the year from 1st April, 1831, to 31st March, 1832, amount to the enormous sum of $115,394,891; and every one conversant with the state of trade during that period must be aware that it is precisely that in which the overtrade commenced and reached its crisis. If any doubt the fact of this overtrade in the year 1831, I would refer them to the series of questions propounded by the gentleman from New York, [Mr. Cambreleng,] to the President of the United States Bank, during the last session, the chief object of which was to show that this great overtrade was owing to the increased issues of the United States Bank. The fact of the overtrade was admitted, and the difference between the gentleman from New York and the President of the Bank was simply that the former charged the Bank with having caused the overtrade, by an improper increase of its circulation, whilst Mr. Biddle insisted that the Bank had merely met the demand for an increased circulation, resulting from an increase of trade. It is not my purpose to discuss the question which party was in the right. It is unquestionably true that overtrade and a greatly expanded bank circulation are always coincident; they act and react upon each other, and it is not always easy to say which is cause and which is effect. It is evident, then, that here was a year of great overtrade, which has greatly increased the official returns of imports for the years 1831 and 1832, and that those returns form no proper basis of calculation for the future, without joining with them the two preceding years of restricted importation, 1829 and 1830. If other evidence be required of the danger of taking the years 1831 and 1832 as a criterion for the future, it may be found by a reference to our exports. It is evident that there must be a pretty near correspondence between our domestic exports and the nett amount of our foreign imports which are received in exchange for them. Accordingly, we find the exports of domestic produce for six years, from 1825 to 1830, average $57,400,000; whilst the imports of foreign goods for the same period, after deducting foreign goods exported, average $60,200,000. Now the exports of domestic produce for the years 1831 and 1832 average $62,175,000; whilst the imports of foreign goods, after deducting those exported, average $79,900,000; making an excess, from the proportion which our imports bear to exports, for the preceding six years, of about thirty millions of dollars; that is to say, our imports have outrun or gone in advance of our exports that sum, and must wait for the latter to come up with them. We accordingly perceive a great falling off in the imports of the last two quarters of the year ending September 30, 1832; five millions in the first, and nine millions in the second, as compared with the corresponding quarters of 1831. This falling off must continue much longer, unless this balance against us is paid for by loans. We have, in fact, made loans to the amount of twelve millions on this account; seven millions by the bank of the State of Louisiana, negotiated by the Barings, and five millions by the United States Bank against the three per cents.; the last, to be sure, is only temporary, and is only postponing the day of payment for a year. It is very true that some gentlemen calculate on a great increase of importation, in consequence of a reduction of duties, and a consequent increase of the revenue; but I cannot agree with them in the latter result; the increase will be in free goods, or goods paying little duty, and the probability is, there will be a corresponding diminution in commodities paying high duties; so that the revenue is as likely to be diminished as increased.

I trust, Mr. Chairman, that I have made it apparent that the basis of an average of six years, as adopted by the Secretary of the Treasury, is as high an amount of imports as it is safe to assume in relation to the revenue; and that we have no ground for believing that the revenue will, for years to come, exceed fifteen millions of dollars. I am myself fully of opinion that it will fall short of that sum, and thus the operations of the Treasury, for three years to come, will be very much cramped, instead of our being burdened with an excess. There is no good reason, then, why we should pass this bill on the alleged ground of a necessity of reducing the revenue to the expenditure of the Government. That has been done already.

But, sir, there are other ominous givings out in the official communications. The President, in his late message, after recommending a proper adaptation of the revenue to the wants of the Government, proceeds: "In effecting this adjustment, it is due, in justice, to the interest of the different States, and even to the preservation of the Union itself, that the protection afforded by existing laws to any branches of the national industry, should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war. If, upon investigation, it shall be found, as it is believed it will be, that the legislative protection granted to any particular interest is greater than is indispensably requisite for these objects, I recommend that it be gradually diminished; and that, as far as may be consistent with these objects, the whole scheme of duties be reduced to the revenue standard as soon as a just regard to the faith of the Government, and to the preservation of the large capital invested in establishments of domestic industry, will permit."

These communications have been, not inaptly, compared to the responses of the Delphic oracle, which every party was able to interpret according to his wishes. So here the text admits of a liberal or narrow construction; it may be made to cover the whole ground of the American system, or exclude it altogether. But other intimations of a more alarming character follow.

"Those who take an enlarged view of the condition of our country, must be satisfied that the policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war. Within this scope, on a reasonable scale, it is recommended by every consideration of patriotism and duty, which will doubtless always secure to it a liberal and efficient support. But, beyond this object, we have already seen the operation of the system productive of discontent."

There is no great ambiguity here; and the plain English of it is, that the whole system of protection to American industry must be swept by the board. That system, which for sixteen years has been acquiring stability and strength; which has brought the country to a state of prosperity of which the annals of the world afford no parallel; this whole fabric is to be swept away with a haste and rapidity unexampled in our legislation.

Is it pretended that the system is not a wise one in itself? No, sir, not that I am aware of. This very Congress have, by a large majority, affirmed the wisdom of the system; they have, in public estimation, given assurance to the system by the act of last July. And yet this same Congress are now called upon to retract all their opinions upon this subject, and, at the bidding of Executive power, to place their names on record, in black and white, in everlasting, if not in damning contrast with themselves.

Can such things be? Is this a Government of the people? a Government of public opinion? A distinguished gentleman of South Carolina, [Mr. McDuffie,] in a speech of the last session, drew a most glowing picture of the oppression and tyranny growing out of the democratic form of Government, a Government of majorities, of king *Demos*. Methinks the form of our Government is changed. It seems to be a perfect monocracy. We are living under a new dynasty: and, perhaps before the close of the session, the same gentleman may favor us with a eulogium on king *Monos*. Is it not so, sir? May we not, with equal truth, ask, in the language put into the mouth of Cassius by the great dramatic poet, in reference to Julius Cæsar:

> "When could they say before, who talked of us,
> That our wide walls encompassed but one man?"

What is the ground for this change? What is the pretext? It is said the South is discontented; that the South considers the tariff unequal in its operation, perhaps unconstitutional. South Carolina has placed herself in an attitude of opposition to the Government; and the Atlantic States, south of the Potomac, will join her, and secede from the Union, unless the tariff system is repealed instanter. This is the ground, and the whole ground, on which it is expected that this bill will pass. But does this House believe that this system acts oppressively and injuriously upon any portion of the Union? The admission would be an admission of their own shame, unless some new light, some new conviction, has burst in upon them. If that be the case, it must have been by intuition. The allegation is, that the system operates unequally and injuriously upon the States employing slave labor, whilst it is beneficial and advantageous to the States employing free labor. And what, Mr. Chairman, is the argument to support this proposition? In the whole discussion of the last session, I heard no argument used to establish this partial injury, but the argument invented by the gentleman from South Carolina, [Mr. McDuffie,] and which has since, under the influence of that gentleman's eloquence, been adopted by the State of South Carolina, as the ground of her proceedings. It may, therefore, now be properly called the South Carolina theory. That theory is, that the farmers and planters who produce the articles which are exported from a nation, bear the whole burden of the tax levied in impost duties on the commodities imported into that nation, whether they consume any portion of those commodities or not; in other words, that a duty of forty per cent. on imports consumed in the North, takes forty bales of cotton out of every hundred produced by the cotton planter. This illustration has also given it the name of the "forty bale theory."

I am not going to discuss the argument by which that theory is supported; that was done sufficiently at the last session. But, I ask if there are ten members of this House; perhaps there are ten; but I boldly ask, are there twenty who believe in that argument? Nay, more; are there twenty men in this nation, north of the Potomac, having any acquaintance with commercial operations, or any knowledge of the science of political economy, who do not consider the theory a mere rhapsody of metaphysical sophistries? All may not be able to unravel the web so ingeniously put together; but all perceive that it is, and must be, false.

Now, I aver that I know of no other argument which goes to show the operation of the tariff to be unequal in its character, but this South Carolina, or forty bale theory. The supporters of that theory expressly admit that its supposed inequality rests solely on that argument; and that if impost duties fall exclusively on the consumers of the foreign commodities, there is no inequality in the case. The only other argument entitled to any consideration is this: that certain products and manufactures of the North, consumed in the South, are enhanced in price by the protecting tariff, and thus operate to their especial injury. But, to my apprehension, this argument resolves itself into the general question of general expediency, so often discussed and so often decided in both branches of the National Legislature. If Virginia pays an extra price for Pennsylvania iron, so does New England. If Virginia pays an extra price for New England woollens, so does every man in New England. The great interest of New England, as of all the other sections of the Union, is agricultural; and I should be glad to be informed how the wheat grower of Virginia suffers more from the system than the wheat grower of New York, or the grazier of Massachusetts; all of whose productions are regulated by the price in foreign markets, as well as that of the cotton planter.

The question of the advantages of a system of free trade, or of duties protecting home productions, is a question of theory against practice. Free trade has been very well argued by speculative writers, on grounds which might prove very correct in a world destined to universal peace, and actuated by a spirit of universal philanthropy. But, unhappily, these speculative theorists have not made the slightest progress in persuading their own nations to adopt their views in practice. And is there an individual on this floor who will have the temerity to maintain that the opening our ports on the principles of free trade to other nations closing their doors upon our productions, would not be to prostrate our industry and prosperity at the foot of foreign nations? to submit to pay them precisely what tribute they choose to levy upon us?

I except, however, from this inquiry the gentlemen of the South Carolina school, and yet they are the last who can, with any consistency, deny the general expediency of the protecting system, because one of their strongest arguments to show the inequality of the system, is, the statement of the fact, that the whole North is flourishing in unprecedented prosperity under the influence of this system, from which circumstance the truly logical inference is drawn, by a process of argument equally logical, that this prosperity must, of necessity, be subtracted from their own. The most that can be said of any real inequality in the system is this, that, whilst the intended and expected effect of attracting capital into the protected branches of industry has been operative and effectual in the Middle and Northern States, the same result has not been produced in those of the South. The reason must be, either because the profits of slave cultivation are so great as to leave no inducement to employ capital in manufactures, or that the effect of slave labor is to indispose the white population to that persevering and thrifty industry necessary to the prosecution of these branches, and on which the prosperity of the North depends. It is no answer to this argument to say that slave labor cannot be employed in manufactures. Suppose it cannot, there is white labor enough. The white population of the States who complain most of this system, is upwards of two millions.

In fact, however, although not acting so quickly, the system seems beginning to act effectually in many of those States. Maryland was among the first to adopt, and took the lead in supporting, this system. Virginia, I am told, is proceeding rapidly in the establishment of manufactures. I understand several cotton mills are building, as well as in operation, both in Richmond and Petersburg.

I am informed by an honorable gentleman of Georgia, [Mr. Clayton,] that twelve or fifteen cotton mills are building in that State, to share in those profits which, at the last session, he informed us he was making himself in that business. Several establishments are making in Louisiana, and I believe also in Mississippi. And it would seem that the fanatics, who are hurrying South Carolina to her ruin, are acting under the conviction that the system, left to itself, would soon work itself into favor, even in their own region.

The only ground, after all, on which the immediate and hurried action of this House can be justified, is, that it is necessary to the preservation of the Union. Good heaven! Mr. Chairman, has it come to this? Has the national bond of union, under which every citizen of these United States has grown proud, even to a by-word amongst those foreigners who visit us, become so weak, that it cannot be trusted to hold together for a single twelvemonth? Impossible! Nothing in private life is more hazardous than to act under the influence of panic. It can hardly be less so in legislating upon the vital interests of a great and growing empire. Can it be strengthening the Union, for this Legislature, before the echo of the President's message can return upon the capitol from the distant mountains, to do an act which shall be felt in every vein and artery of the body politic? Can it be preserving the Union, for its chosen guardians to abandon in affright a system which they were sent here to protect? a system which they themselves, and a vast majority of this nation, believe to be the source of their present, and essential to their future, prosperity? Can peace and safety result from such a course? Can it preserve the Union, or make it worth preserving, for this Legislature, in this state of agitation, to pass this bill; and by the stroke of the pen by which it becomes a law, to prostrate private property, with a recklessness, if not wantonness, which has no parallel in the legislation of civilized nations?

Will it promote the cause of free Government in Europe, for this, their model, their pattern, in wicked, midnight haste, to pass an act, annihilating private property, with less reluctance or consideration, as I verily believe, than can be found in the annals of the petty despotisms of Asia or Africa? Sir, there is one evil greater than disunion itself: it is to make the Union not worth preserving.

Mr. Chairman, I am not insensible to the dangers which threaten the republic. One of the States of this Union is in rebellion, peaceable rebellion; or if that word sound too harsh, be it a crisis; or, to be more strictly correct, South Carolina is in a state of nullification. But is there any danger so imminent in this? She has done what it was apparent twelve months ago she would do. She has put in practice, as a remedy, a political theory nearly as absurd as the system of political economy on which she founds her grievances. But, sir, in my apprehension, the danger of the present crisis is past; nullification is nullified. The President's proclamation, ratified, as it has been, by one universal burst of public opinion, has killed it. It is true South Carolina is raising troops; but does any one apprehend danger to the Union from South Carolina, by force? with a white population of two hundred and fifty thousand, equally divided, and holding in her bosom three hundred thousand slaves? No, Mr. Chairman, no one apprehends danger from South Carolina alone. No one supposes that South Carolina will undertake to set herself up as a nation by herself. She is acting, and we shall act, under other views. Our sense of danger, and the real danger, lies in the circumstance, that throughout all the Atlantic States owning property in slaves, from the Potomac to the Mississippi, there is a strong feeling of common interest; a strong sympathy for South Carolina; a violent clamor, a great excitement against the protective system; an idea, more or less general, but certainly of a large majority, that the system is unequal in its operation, and injurious to them. Nor is it surprising that this state of feeling should exist. Whoever listened to, or has read the speeches which were delivered in this House, during the last session of Congress, by a certain party, and which were dispersed, thick as autumnal leaves, through the whole region of the South, with other incendiary tracts, all calculated, if not intended, to rouse the whole South to madness, cannot be surprised at the result. We were told in this hall that the protective system was a vampyre, by which the North was sucking the warm blood of the South; that the free States were prairie wolves, gorging their jaws by instinct in the blood of the South, whilst oppression, robbery, and plunder were sounded to every note of the gamut. Is the result surprising? Those who could not understand the argument on which their wrongs were founded, could understand the application; and coming from such sources, can it be wondered at that the existence of these wrongs should be believed?

Now I suppose that it will be conceded that a great majority of the people of the States north of the Potomac, and of the West, believe the system of protection to be one of sound policy; that the practical operation of it has been beneficial to them, and injurious to none; that the prostration of the system will inflict real injury on them, by paralyzing their industry, without proving of any benefit to the South; but that, on the contrary, they will suffer in the general injury. This is the state of the case. It certainly presents matter for grave consideration, for wise and deliberate counsel. But do we lessen the danger by refusing to look it calmly in the face? The danger is disunion. Shall we strengthen this Union, and lessen this danger, by yielding up what a majority of this House in their consciences believe, what a majority of this nation believe, to be a great national good, in complaisance to opinions which we believe to be wholly erroneous? That such is the opinion of a majority of this House, stands on record in the journals of the last session, under the sanction and responsibility with which we perform the duties of our high trust. Under these circumstances, I also ask, in the language of the President, what shall be done? Shall we sacrifice great interests under the influence of panic, or shall we examine fearlessly into the nature of the malady, and ascertain if it be capable of a permanent cure?

It is apparent that this great difference of opinion grows out of one great circumstance in the condition of the different sections of the country—the existence and non-existence of slavery. The great question is, whether this circumstance presents any real incompatibility or difference of interests, so as to make a system which is favorable to one section actually injurious to another. This is rather a question of fact. I am favorably inclined to the proposition of the gentleman from Rhode Island, [Mr. BURGES,] or something of similar character, for a large committee, or for commissioners, to inquire into the actual operations of the tariff; to bring the sufferings of the South into something like a tangible shape; to give us facts, of which we have so little, in the place of theory, of which we have so much. I should like an inquiry into the state and effect of manufactures, thorough and searching, like those which are gone into before committees of the British Parliament on all questions affecting great interests.

Then, sir, there is another consideration connected with this subject. The tariff is put forward as the great, the only ground of complaint; but is it the only ground of apprehension, of fear? Sir, it is idle to disguise it. Every man who hears me knows that there is a question behind the tariff, to which that is but as dust in the balance; a question which includes what may emphatically be called the Southern interest, the Southern feeling; which includes also the fear and apprehension of the South that the General Government may one day interfere with the right of property in slaves. This is the bond which unites the South in a solid phalanx, and this is the key to their jealousy of allowing a liberal construction of the constitution in relation to the powers of the General Government. Why does Virginia pass weeks together in discussing the abstract right of secession from the Union? Does she wish to secede? No, sir, except in one event. She wishes to keep the door open, in case the question of emancipation should ever be seriously brought before Congress. There lie on the table before you certain resolutions of the State of Georgia, proposing a convention of the States for certain enumerated purposes. I noticed, when these resolutions were reported in the Georgia Legislature, an additional proposition for the consideration of the convention, viz. what further security should be obtained for a certain description of property. This was struck out, by unanimous consent; and why? Was it that this last consideration, like the postscript to a letter, was not considered important? Not at all; but it was not thought expedient to express any distrust of the security under the present constitution. For myself, Mr. Chairman, I believe the South are unduly sensitive on this point. I know of no Northern statesman who calls in question the inviolability of the property in slaves under the constitution. I am sure the people of the State which I have the honor, in part, to represent, have no more disposition than they believe they have right to interfere in this matter in any way. But, sir, this extreme sensitiveness and apprehension on the part of the South in this matter, is an element too important to be overlooked in adjusting their supposed grievances.

There is another question. Does the South really wish the continuance of the Union? I have no doubt of the attachment of the mass of the people of the South to the Union, as well as of every other section of the country; but it may well be doubted whether certain leading politicians have not formed bright visions of a Southern confederacy. This would seem to be the only rational ground for accounting for the movements in South Carolina. A Southern confederacy, of which South Carolina should be the central State, and Charleston the commercial emporium, may present some temptations for individual ambition.

And now, Mr. Chairman, having shown what appear to me sufficient reasons why we should not act at all at present, I proceed to the inquiry whether the proposed bill is such a one as we ought to pass, on the supposition that the public exigency requires us to pass any bill at all. Its great and leading character is, that it strikes a fatal blow at the two great branches of manufacture, of wool and of cotton; that it will annihilate an immense amount of capital invested in mills and machinery, now employed in those manufactures.

Before going into details, however, I must advert to the manner in which the public mind has been prepared for this great sacrifice of capital. I was forcibly struck, the other day, with the story told us by an honorable gentleman from Kentucky [Mr. WICKLIFFE] of a man who had determined the destruction of a harmless animal, and, unwilling to perpetrate the deed himself, said he would accomplish his purpose by giving it a bad name.

Much in the same way, it appears to me, has the public mind been prepared for the sacrifice of the manufacturers. Sir, we have all seen, for nearly a twelvemonth, the scurrilous newspapers venting their abuse upon this interest; but they are unworthy of my notice. The first indication from authority is to be found in the veto message returning the United States Bank bill, as follows:

"Experience should teach us wisdom. Most of the difficulties our Government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of Government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by act of Congress. By attempting to gratify their desires, we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a fearful commotion which threatens to shake the foundation of our Union. It is time to pause in our career, to review our principles, and, if possible, revive that devoted patriotism and spirit of compromise which distinguished the sages of the revolution, and the fathers of our Union. If we cannot, at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can, at least, take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy."

This certainly is ominous language, although somewhat obscure. The message to this Congress, at the present session, speaks somewhat plainer.

"But those who have vested their capital in manufacturing establishments cannot expect that the people will continue, permanently, to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the Government. In some sections of the republic its influence is deprecated as tending to concentrate wealth into a few hands, and as creating those germs of dependence and vice which, in other countries, have characterized the existence of monopolies, and proved so destructive of liberty and the general good."

But the most extraordinary demonstrations, in this particular, may be found in the communications of the Secretary of the Treasury. That officer, in his report on the finances, made in December, 1831, presented the following just and statesmanlike views:

"To distribute the duties in such a manner, as far as that may be practicable, as to encourage and protect the labor of the people of the United States from the advantages of superior skill and capital, and the rival preferences of foreign countries; to cherish and preserve those manufactures which have grown up under our own legislation, which contribute to the national wealth, and are essential to our independence and safety, to the defence of the country, to the supply of its necessary wants, and to the general prosperity, is considered to be an indispensable duty. The vast amount of property employed in the northern, western, and middle portions of the Union, upon the faith of our own system of laws, and in which the interests of every branch of our industry are involved, could not be immediately abandoned without the most ruinous consequences."

And yet, sir, in his report just made us at the commencement of this session, we find, after adverting to the protective system as "that legislation especially which confers favors upon particular classes," he proceeds:

"To perpetuate a system of encouragement, growing out of a different state of things, would be to confer advantages upon the manufacturing which are not enjoyed by any other branch of labor in the United States, and to convert the favor and bounty of the Government into permanent obligations of right, acquiring strength in proportion to their continuance.

"It will be conceded that, when the fair rate of profit attendant upon the sagacious employment of capital in the United States is satisfactorily ascertained, it may be wise so far to protect any important branch against the injurious effects of foreign rivalry, as may be necessary to preserve for it the same rate of profit as is enjoyed by others. If, however, by protective legislation, or otherwise, the proprietor of an actual capital shall be enabled to employ it in manufactures as advantageously and profitably as in any other branch of labor, all things considered, he could not reasonably demand more. The rate of protection which should enable manufacturing labor, conducted upon borrowed capital, to indemnify the lender, and, in addition, to realize the regular rate of profit for itself, would not merely confer undue favor upon the manufacturer, at the expense of every other employment, but bring the influence of the capitalist in direct conflict with the general mass of the people. It might even be apprehended that, by such means, there would be an accumulation of power in the hands of particular classes, strong enough to control the Government itself. If these observations are entitled to respect, little doubt is entertained that, in a tariff framed on proper principles, the reduction of six millions, now recommended, may, for the most part, be made upon those commonly denominated protected articles, without prejudice to the reasonable claims of existing establishments."

These sentiments emanate from high public functionaries whom I wish to treat with all becoming respect. I am bound to consider them as sincere opinions, with however little examination they may have been taken up; but, Mr. Chairman, as the representative of a great amount of capital which has been induced to embark in the business of manufactures under the sanction of your laws—laws passed for the express purpose of giving capital that direction, it becomes my duty to protest, in the strongest terms of which I am capable, against the theory and the application of the sentiments contained in these extracts. Why is the odious term of monopolists applied to the manufacturers? A monopoly is an exclusive privilege. What exclusive privilege attaches to a business which is open to every individual in the United States? How is the manufacturing of cotton more of a monopoly than the planting of cotton or rice, or the growing or grinding of wheat? They are equally occupations open to every body. Similar productions are equally subject to an impost duty, imported from abroad.

Then, sir, we are told of favored classes; of favors; of rich men not being content with equal protection, and having besought the Government to make them richer by acts of Congress. Sir, I deny the fact. I deny it *in toto*. When did capital or capitalists ask you to regulate the employment of their capital? Never. The mere possessors of capital are every where in favor of free trade. Who were in favor of your tariffs? and who opposed them? Sir, this House, from motives of public policy, enacted the tariff laws with a view to induce capital to go into the business of manufacture. The capitalists said, "No; let us alone." Well, sir, you pass your laws, on the strength of which capital is induced to take the channel indicated by your legislation. Millions upon millions are invested in mills and machinery, which can be converted to no other purpose, carrying competition to the very lowest point of profit in other occupations. And shall we now be told that we are grasping monopolists, unworthy the protection of the laws? Rich, forsooth! Dangerous, perhaps, to liberty! Strong enough, perhaps, to control the Government!

Mr. Chairman, I care not how low may be the sources from which these sentiments may have been drawn, nor from how high places they may have been held up to the view of this nation: I pronounce them the genuine principles of revolutionary radicalism; they are the principles of Jack Cade; they are the principles of French jacobinism, in the worst periods of the revolution, when the cry of "Rich aristocrat!" met the response of "*à la lanterne!*" and consigned the unhappy victim to the nearest lamp-post.

Let this war upon property be carried out, and we need not trouble ourselves about preserving the Union; it will not be worth the pains. It strikes at the root of the principle of accumulation—the very foundation of all civilization. On this point I may appeal to the gentlemen of the South who made us such eloquent harangues during the last session on the inviolability of property. Will it strengthen their confidence in the security of their peculiar property to see ours sacrificed without remorse? Will the name of rich slaveholder be a better security in this warfare, than that of grasping monopolist?

Now, sir, what is the fact in relation to capital? It is the universally admitted theory in political economy, especially of the free trade writers, from Adam Smith down to Senior and McCulloch, that the productions of labor are precisely in proportion to the capital devoted to the maintenance of that labor. Capital is the fund for the payment of wages. This theory lies also at the bottom of the American system; and I beg leave to quote the following passage from the address of the New York convention:

"All the means of human enjoyment, and all the accumulations of wealth, are the product of human labor. National happiness and national wealth are, therefore, promoted in proportion to the active industry of the community; and that industry is in proportion to the inducements to labor arising from the amount and certainty of its remuneration. The immediate instrument for calling labor into action is capital. Capital is necessary to furnish the laborer with the means of applying his labor to advantage, whether in the simple tools of agriculture, and some of the mechanic arts, or in the complicated and expensive machinery applied to certain branches of manufacture, the modern improvements in which have added so much to the productive power of man.

"It is a settled axiom that the industry of a nation is in proportion to the capital devoted to its maintenance; it is, therefore, thought to be a wise policy to multiply the inducements to apply capital to the employment of labor at home rather than to the purchase abroad, and traffic in commodities of foreign production, by which the capital of the country is made to set in motion foreign labor. This is founded on the principle, universally admitted, that there is, in every nation, a power or capability of labor beyond that actually put forth, and that its effective industry is proportioned to the stimulus applied in the shape of capital. This constitutes the American system. It invites the application of American capital to stimulate American industry. It imposes a restriction, in the form of an impost duty, on certain products of foreign labor; but, so far as relates to American capital, or American labor, it simply offers security and inducement to the one, and gives energy and vigor to the other."

I quote this the more readily, because it is an argument which I have never seen answered. Now, sir, what will be the effect of annihilating this capital now employed in paying the wages of labor? To the capitalist, it is an absolute loss; a sudden blow; and there's the end. But the withdrawal of the capital which paid the wages of labor, in its different departments, will be a permanent paralysis acting directly upon the laboring classes. Why is the price of labor five pence a day in Ireland, but because there is no capital to give it employment? The country does not afford sufficient security to induce capitalists to place their property there. Here, sir, we are told of the great profits of the manufacturers, as if this, if true, would furnish a good ground for interference in reducing them. I deny that it would do so; because, if there is any one principle of universal operation, it is the tendency of high prices and high profits to cause an immediate competition, and thus reduce prices and profits as low or lower than the general level in other branches. I recollect, sir, that, about the year 1818, upland cotton, certainly for two, and, I believe, for three years, sold for upwards of thirty cents a pound. What was the consequence? So rapid an extension of the cultivation as to have reduced the price one-half in 1820. Take a more familiar instance. The price of coal during the last winter, in consequence of a short supply, rose to double the usual prices; the effect of which has been, that, at the present moment, the price of coal is lower in the large cities than it has been for twenty years. The manufactures of both wool and cotton have felt the full effect of this spirit of competition. Taken together, I do not believe that either branch has given a return of the capital invested, and interest. At all events, I boldly aver that, for the last nine months, no branch of trade or commerce has been so much depressed as the business of manufacturing. I mean to say that a given amount of capital invested in ships, or in commerce, whether in the China trade, the coffee trade, the whale fishery, or in general trade, or in bank or insurance stocks, would command, and will now command, more money than a like amount invested in the best manufacturing stocks whatever. On this point, I challenge examination, and defy contradiction.

Sir, we have heard a great deal of rich manufacturing corporations, of overgrown corporations, as odious, dangerous monsters. On this point I have a word to say, as on no subject, perhaps, is there more general misapprehension. What is the fact? The wonderful results in the modern system of manufacture are produced by the combined action of great masses of capital. This is more especially the case in the manufacture of cotton. What, then, is the effect of those corporations, or joint stock companies? Simply to enable people of small, or moderate capital, to come into the business on equal terms with the rich. For myself, I know of no more ingenious mode of paralyzing the direct and immediate influence of wealth than those very corporations. The property of the rich capitalist, if he be rich, is taken from his control, and placed in the hands of the more active managers of the concern. The mere capitalist has no more command of it than if it were sunk in the bottom of the sea. It may be worth while to inquire how these corporations are made up. I have before me the component parts of probably the largest manufacturing corporation in the United States, the Merrimack manufacturing company, with a capital of one million five hundred thousand dollars, divided into shares of one thousand dollars each. The whole number of proprietors is one hundred and sixty; of which fifteen are single women, holding fifty-five shares; eleven widows, holding sixty-six shares; twenty trustees, holding one hundred and eight shares; fifteen executors and guardians; twenty-three professional men, ten mechanics, workmen, and agents, thirty-five merchants, holding five hundred and sixty shares; and nineteen capitalists, or men retired from business, holding two hundred and forty shares. As proof that the rich are not the only proprietors, there are twenty persons owning one share each, and thirty-eight owning but two shares each. Sir, I hope we shall hear no more of these aristocratic corporations.

There is one effect growing out of them, however, in the city which I have the honor to represent, which I think too honorable to be passed over in silence. It is this: the sons of our richest men covet the agencies of these companies, not as sinecures, but as affording an active and honorable employment; and because, with us, a useful occupation is essential to respectability.

I now come, Mr. Chairman, to an examination of the bill before us. In looking over the report of the Committee of Ways and Means, I am exceedingly at a loss, altogether puzzled, to determine on what principle it has been framed. The first intimation is that of producing equality, quoting the invitation of the President for "the removal of those financial burdens which may be found to fall unequally upon any." As we proceed, one cannot but be struck with the marks of haste with which the whole affair has been concocted. After stating that the revenue must be reduced to fifteen millions, they proceed: "The act of 1832 has made a partial reduction towards this point. But, under this act, the revenue from the customs, for the next year, is calculated, in the report of the Secretary of the Treasury, at about eighteen millions;" and, with the income from the public lands, "exhibiting an annual excess of from five to nine millions over the just uses of the Government, and taxing every family in the United States to its share, or more than its share, of that uncalled for excess." An uncertainty of four millions is pretty vague ground for permanent legislation. But when a gentleman of the literary accuracy which distinguishes the chairman of this committee, talks of taxing every family in the United States to its full share, with the chance that some, or all, would be taxed more than their share, it is pretty good evidence, if not of panic, of a good share of that moral fear which the gentleman avows—a fear that the Union might be dissolved before this bill could be reported.

We next find the following: "The extinguishment of the debt, and the commencement of the new Presidential term, make this a fit season for permanent fiscal regulations. It is vitally important, too, to all engaged in any of those numerous commercial, manufacturing, or agricultural enterprises which are affected by changes in the rates of impost, and more exposed to suffer from uncertainty than even error in legislation, now to know the intention and policy of this Government in regard to their several interests."

Most extraordinary reasons, truly! A "new Presidential term!" So we are every four years to have new "permanent fiscal regulations." But, sir, the law of last July goes into operation precisely at the commencement of the new Presidential term; and the policy of the Government was supposed to be understood. And the whole effect of this bill is now to unsettle every thing, to disturb all the calculations and arrangements of the commercial and manufacturing community.

The following paragraph is entitled to a passing remark:

"Throwing out of view, for the present, the progressive reduction that expediency and even justice require, they have fixed the revenue to be ultimately received at a sum not exceeding 15,000,000."

It shows that the idea of justice to existing establishments did once flit across the mind of the committee, which they put out of view for the present, and it will be found it never returned. I have already anticipated any detailed remarks on the fiscal calculations of the committee: they assume 65 to 70,000,000 as the amount of dutiable commodities imported; whilst the actual quantity, on the average of six years, is less than 60,000,000. The committee proceed:

"The committee, in the bill herewith reported by them, have endeavored to arrange the duties, with reference to this principle, at rates of from ten to twenty per cent., varying from them chiefly in those instances where national independence, in time of war, seemed to demand some sacrifice in peace, (as in the case of iron,) or when it was thought that a higher or lower rate of duty would be of advantage to the revenue, without any individual injury, (as in regard to distilled spirits,) or when some branch of industry might be materially benefited by low imposts on some of its raw materials. On many articles, such as wines, spirits, iron, &c. experience has shown that fraud can only be prevented by specific duties on weight or measure; and, as these rates must be graduated on the mean value of commodities of the same class or name, this may sometimes fall heavily on particular kinds and qualities of them."

We have, here, a distinct avowal of the only principle on which the committee depart from their original basis of equality. I must also ask the indulgence of the committee, to quote the following further extract from the report:

"In adjusting the several duties, they have generally conformed, unless some strong reason for a different rule was perceived, to those of the tariff act of 1816, with its short supplementary act of 1818. The act of 1816 was framed with great care and deliberation by some of our ablest statesmen, looking, at the same time, to the revenue, then so peculiarly necessary for the discharge of our large war debt, and to the preservation, during a violent transition from war to peace, of the numerous manufactures that had grown up under the double duties, and the practical prohibition of the embargo, the non-intercourse, and the war with great Britain. The vast increase of manufactures, of all sorts, in the United States, during the eight years between 1816 and 1824, proves that the framers of that tariff, in providing revenue, had not only given ample incidental security to existing manufactures, but even induced new investments of capital. So well does it appear to have been adjusted in regard to woollens, that the manufacturers of these goods, examined by the Committee on Manufactures of this House in 1828, generally agreed that their business was in a more flourishing state, under the tariff of 1816, than under the higher protection of 1824.

"It has, however, been the wish of the committee to guard against a sudden fluctuation of the price of goods, whether in the hands of the merchant, retailer, or manufacturer, and with that view they have made the reduction upon the more important protected articles gradual and progressive."

Now, sir, I deny altogether that the sole object of the tariff of 1816 was the preservation of existing establishments. In the cotton manufacture, as then carried on, the provisions of that act were generally thought altogether inadequate. I have formerly stated, and I now repeat, that it was under the representations and influence of the late Mr. Francis C. Lowell, that Mr. Lowndes, and others of the South Carolina delegation, were brought to support the cotton minimum of that bill: Mr. Lowell was able to convince those gentlemen, and experience has proved his correctness, that, under the influence of the power loom, then just brought into perfect use, but actually in operation in one single spot, (Waltham,) the protection of six and a fourth cents would be sufficient to establish the manufacture so far as to supersede and drive out of the market the coarse India cottons, then in general use. The fact I have repeatedly had from Mr. Lowell himself. The arrangement then appeared as desirable to South Carolina as to the North—the substitution of an American material and an American manufacture for the miserable trash of India. To effect this object, it was then thought no objection, that it imposed a prohibitory duty of from eighty to ninety per cent., as it was proclaimed and well understood that it would do.

For the latter clause of the foregoing extract, I give the committee credit. They do not put the extension of time for the reduction of duties, in certain cases for one or two years, on the footing of its being intended as any redemption of the public faith: it would be too miserable a mockery to do so. It is merely to prevent the shock of too great fluctuation to the trading community.

But, sir, on this point of the pledge of the public faith, I beg leave to refer to the following extract from the last message of the President of the United States:

"What then shall be done? Large interests have grown up under the implied pledge of our national legislation, which it would seem a violation of public faith suddenly to abandon. Nothing could justify it but the public safety, which is the supreme law. But those who have vested their capital in manufacturing establishments, cannot expect that the people will continue, permanently, to pay high taxes for their benefit, when the money is not required for any legitimate purpose in the administration of the Government. Is it not enough that the high duties have been paid as long as the money arising from them could be applied to the common benefit in the extinguishment of the public debt?"

Mr. Chairman, I think it would seem to be a violation of the public faith; and is it mere seeming? If the public safety require a sacrifice of private property, let the public treasury provide an indemnity. The laws under which this property has been invested, are declared by the constitution equally supreme with the constitution itself. Submit to this violation, and your constitution, your Union, is not worth a rush. What a question is the last! Because a state of unparalleled prosperity, under the operation of the protective system, has enabled the Government so soon to pay off the public debt, therefore the system must be abandoned. Who has not sympathized with the unhappy bird, the agonies of whose death were rendered more acute by perceiving that a feather from its own body had winged the fatal shaft. Is it not too much to be told that the success of this system has forged the weapon which is to prostrate it in the dust? The last article of the report which I shall notice, is the following:

"The committee, perceiving no sufficient reason why the consumers of foreign luxuries should not pay their share of the public burdens, propose to raise the rates of duties upon silks nearer to the average rate of duties imposed by the bill, than they now are under the act of 1832. They also propose to fix a moderate specific duty, equal to about twenty per cent. on the value upon teas, and also upon coffee, which were made wholly free of duty by the act of the last summer. This has been added from a motive of financial prudence, lest the revenue from the customs should, from any modification of the bill, or other cause, fall short of the estimate, or lest the proceeds of the public lands should be in part diverted to some other channel."

Well, sir, we have got through the pretence of reducing the revenue; the committee are now for increasing duties: and first, on silks, as luxuries.

Now, sir, I confess, if there is any one species of cant and humbug *ad vulgus captandum*, which I despise more than any other, it is that which we often hear, of great consideration for the poor in the levying of import duties. I should like to know what is meant by the poor, in reference to this subject. Is it paupers? If so, they are supported by the community. If it is intended to apply the term to the industrious part of the community, to the working men and working women, I deny its application. Whoever has the use of his limbs in this happy country, is rich, and has his full share of what may properly be denominated luxuries in some countries. Now, in reference to the article of silks, I ask what farmer, what mechanic, what working man is there, whose family does not wear silks, more in proportion to their property than those of the rich? If there are any class of human beings who do not wear silks in this country, it is only the slaves. Then, sir, a duty is added on tea and coffee, not, I believe, as luxuries, although I have sometimes heard them called so, but as a measure of "financial prudence." Sir, I commend their prudence; they undertook a work of reduction, and, as proof, they went manfully to work--they propose to restore the duties on tea and coffee. Comment is superfluous.

I will detain the committee but a moment, in comparing the details of the bill with the principles put forth in the report. The leading exception to equal duties is in favor of articles necessary to our independence in war. As I proceed in their table, I find side and fire arms, rifles, muskets, reduced from the protecting duty, equal to fifty-three per cent., to an ad valorem one of twenty per cent.; then "iron wire, tacks, brads, sprigs, nails, and spikes," retain their protective duty from thirty-five to ninety-six per cent. Is this a mistake of the printer, or are the latter implements of war, and the former the insignia of peace? Then, sir, we come to hemp, an article essential to naval warfare, and which is apparently protected, but the duty on cordage is so graduated, that I have several letters from manufacturers of cordage, informing me that, should this bill pass, not a ton of hemp will be imported, nor a ton of cordage manufactured in the country. The effect will be, that our ships will be wholly supplied with cordage of foreign manufacture. Then there is coal put at five cents a bushel, equal to forty-seven per cent. Is this protected as a munition of war, or is it a luxury? No, says the gentleman near me, it is a product of Virginia. Then, sir, we come to sugar, the protection on which I would be the last to abandon, especially after the classical and eloquent speech of the gentleman from Louisiana, [Mr. WHITE.] Sugar pays a specific duty, under the bill, of forty-six per cent. I should like to know on which of the principles avowed in the bill this duty is maintained—independence in war, equality, or luxury. Perhaps, sir, there are some protective reminiscences connected with sugar, which entitle it to special favor; sugar was the subject of a protective duty in 1816. By the act of that year, it was subject to a duty of three cents a pound; the committee reported four cents, but it was reduced in Committee of the Whole to three and a half; a motion was then made to reduce it to two and a half; this was opposed by the entire Georgia delegation, and nearly all that of South Carolina. The name of the gentleman from Georgia, on the Committee of Ways and Means, [Mr. Wilde,] will be found on that occasion voting against the reduction. So that, with all that gentleman's zeal in favor of free trade, I apprehend he must confess to a little peccadillo on that occasion. I recollect perfectly well, as a commercial man, that about that period the idea was current, that Georgia was going to abandon the cultivation of cotton, and take up that of sugar.

I proceed to the provisions of this bill in the two great articles of woollens and cottons. Woollens are reduced in this bill from fifty to twenty per cent., besides doing away the specific duty on flannels and carpetings.

I shall not go into any details on this branch of business. Suffice it to say, that it must, of necessity, prostrate the whole manufacture—it must level it with the dust. If it arise partially, it can only be when the price of wool shall fall, not only to the price in Europe, but below it, and, by depressing the price of labor in like proportion, a great part of the capital must be annihilated.

I proceed to consider the operation of the bill on the manufacture of cottons—a manufacture which has been the subject of an accurate report by a committee of the New York convention, founded on actual returns. The capital employed in that manufacture in the autumn of 1831, and in making additional machinery, was forty-five millions; it cannot be estimated, at present, at less than fifty millions. Now, what is the manner in which this great, this successful interest is treated by the committee? Why, sir, the minimum, or specific duties of seven and a half cents a square yard on white goods, and eight and three-quarters cents on printed or colored, are done away, and an ad valorem duty of twenty per cent. put in their place; that is to say, seven and a half cents is reduced on the average to one or two cents, and eight and three-quarters cents is reduced to from one and a half to three cents. And, sir, what is the ground for this radical, this enormous change to one-fourth that imposed by the favorite act of 1816? I listened, Mr. Chairman, with great attention to the explanation of the chairman of the committee, [Mr. Verplanck,] and, also, to another member of the committee, [Mr. Gilmore;] the reason given by both was the same, that, as we were able to export coarse cottons to foreign countries, little or no protection could be necessary for any part of this manufacture. Why, sir, to judge from the explanations of the committee, I must presume that they are wholly ignorant of the fact that the business of printing calicoes is carried on in this country, and yet at least ten millions of dollars must be invested in this branch of business, making thirty-five to forty millions of yards per annum. Have the committee made any inquiry into the effect of this change on this great interest? They do not pretend that they have. Is it not lamentable to see how great interests are sported with in this enlightened Government? We had last year a Committee on Manufactures, to whom was committed the protection of the manufacturing interest; through them, the Secretary of the Treasury was directed to collect information from all parts of the United States. That information is not yet before us. But, on the strength of such information as he did obtain, and I know he took very considerable pains to inquire into the state of the cotton manufacture, he decided on the present rates of specific duties. And, yet, here is a committee, knowing nothing of manufactures, who lop off three-fourths of the duty at a blow, because we export coarse cottons. Under these circumstances, it becomes necessary to enter into some details in reference to this whole manufacture. The cotton manufacture may properly enough be divided into three branches: first, the coarser description of cottons, of which a considerable part are exported; secondly, the finer goods, as shirtings, sheetings, &c.; and, thirdly, printed calicoes, various colored goods for summer wear, vestings, &c. In all these branches, competition has been carried so far as to produce an abundant supply for the entire consumption of the country, with the exception of the finer descriptions of prints, and to have brought down the profits of the business, at the present time, below the average of other employments. It is a singular fact, that, at the present moment, the manufacture of the coarse cottons for exportation is the most profitable branch of the business. These coarse cottons, of which I am furnished with a description, contain the value, as near as may be, of four and a half cents of the raw material to the square yard; the cost of manufacture is three cents, and, at the present price, produces, in cash, to the manufacturer, about, but hardly, nine cents, and giving a profit of about ten per cent. on the capital employed. It may be proper, however, to state that this result can only be produced by the employment of the very best machinery. Now, sir, it is evident that this identical description of goods could not be imported from England, even without any protecting duty at all. But the English manufacture great quantities of imitations of these goods out of the cheaper Bengal cotton, which they sell at a lower price, and it is only after ascertaining, by experience, the superior durability of our goods that they maintain themselves in those markets, where, it is probable, much greater quantities of the inferior British goods continue to be sold than of the superior American manufacture. Now, sir, can it be for the interest of any body to introduce these inferior goods made from Bengal cotton? Can there be greater madness than that the cotton planter should be desirous to try this experiment? I have no doubt, however, that the manufacture of our coarse cottons will sustain itself eventually; but, if the other branches are prostrated, all the machinery will be turned upon this description of goods, and our own and foreign markets overstocked. So that, for a time, this branch will be paralyzed with the rest.

That, under a duty of twenty per cent., vast quantities of the finer descriptions of plain goods and printing cloths will be imported, there can be no doubt; but it is upon the branch of calico printing that it will fall with peculiar severity. So far as I am informed, there is but one opinion amongst those best acquainted with the subject, as to the effect of this bill—that it will cause an abandonment of the business. I believe it myself, and yet I have no hesitation in saying that, in all the branches of the cotton manufacture wanted for the common purposes of life, including printed calicoes, the United States are supplied by their own manufacture intrinsically cheaper than any nation on the face of the globe. It is very difficult to make a body, so much governed by theories as this House, understand how this can be true, and yet the manufacture be abandoned, in consequence of the introduction of goods which are actually dearer; but I appeal to practical men for the truth of it.

The fact is, the effect of the specific duty has been to establish the manufacture of goods of superior quality to most of the English, both as to substance, as to width, and as to permanency of colors. One-half, at least, of the British prints imported are fugitive colors, of no value, but which cannot be detected by the unskilful; while it is the custom of nearly or all the American printers to print nothing but in fast colors; at all events, the stamp of the manufacturer is a sufficient guaranty. Under the present duties, none but goods, comparatively high priced, are imported; but substitute an ad valorem duty of twenty or thirty per cent., and whole ship loads of miserable trash will inundate our markets. I have been furnished, and have before me, a sample which I believe to be the *ne plus ultra* of inanity; it is eighteen inches wide, and, I think, thirty yards would hardly weigh a pound. It is said to have been sold at six cents, subject to a drawback of four and three-eighths cents; and yet I believe the one and five-eighths cents which it cost the exporter is double its actual value.

The printing of cottons, in its present state, is one of the highest triumphs of human art; the engraving the cylinders is, perhaps, the most delicate and curious operation in mechanics; and the fixing the various colors is the application of the highest discoveries in chemical science. The transfer of such a business from one country to another is a work of extreme difficulty, and of great expense—it has been completed.

I boldly assert that there is no branch of the business, the designing, the engraving, the printing, or the raising the colors, which will not compare, in beauty and perfection, with the best work in Manchester. My constituents have invested several millions of dollars in this branch of business; they have done it under the sanction and faith of your laws; and you have no right to repeal those laws, and abandon that property to destruction.

Every dollar of capital belonging to my constituents, invested in the cotton manufacture, has been invested since 1816. They have never asked you for additional protection; on the contrary, in 1824, so far as individual opinion went, they doubted the expediency of the addition then made. The great fall of prices, in 1826, however, materially altered the state of the case; and the introduction of printing carried the business up into branches not originally contemplated. And yet, sir, we took no part in the additional duty of 1828. I was myself applied to, and asked if it was not expedient to petition Congress for further protection; I replied, that, as a question of policy, I might, perhaps, think further protection expedient, as extending the manufacture into higher branches, but being myself interested in the manufacture, I would not ask for it. It was not asked for by my constituents; they followed your legislation, and they claim the protection of those laws under which they have acted, as a matter of right. The only testimony taken, in relation to the business of printing, before the committee of Congress, in 1828, was that of Mr. Marshall, formerly of Manchester, then a printer of New York. He was asked the following question: "What is the difference in expense of printing the same patterns and qualities in this country or in England?" His answer was: "The expense of printing is one-third higher here than in England; this arises from the difference of expense in fuel, drugs, and wages; the fuel which costs twenty-seven dollars in Manchester, costs one hundred and twenty dollars in Hudson, to do the same business." And yet, sir, two gentlemen of the committee [Mr. GILMORE and Mr. POLK] have quoted evidence from that book, in reference to coarse cottons, as justifying their report, and forgotten to refer to this testimony of Mr. Marshall, which is directly to the point.

Now, sir, in the lower priced prints, where the foreign article is excluded, competition has brought down the prices to the lowest point of living profit, and, in the higher branches, where they meet the English, there is much uncertainty, arising from the nature of the business, where so much depends on fancy, and the relative supply. This description of goods has to be sold, whatever may be the price; the manufacturers never think of keeping them over.

In consequence of the large importation in 1831, and the increasing competition, a great many printing establishments have lost money during the last year. I have the accounts of the Merrimack company, made up for six months last November, showing a balance of profit of fifty-seven thousand dollars on the manufacture of three millions of yards, something less than four per cent. on the capital; but, in this account, no allowance is made for wear and tear of machinery, nor for insurance against fire. Now, sir, if such is the state of the business, under the present duty, can any thing but ruin follow under the present bill, which removes full three-fourths of that duty? There is one consideration of which I dare say this committee are not aware, and which has an important bearing on this question—the great outlay of capital, compared with the annual product. The great results in the cotton manufacture are produced by a great outlay of capital, which will only return in the finer branches an annual product of fifty to sixty cents for every dollar of capital. In other words, a capital of a million of dollars will only furnish an annual supply of five or six hundred thousand dollars of manufactures. So that twenty per cent. ad valorem on the products is only about ten per cent. on the capital.

In this respect, it differs materially from the woollen manufacture, where a given amount of capital will produce more than dollar for dollar in products. The effect is, that a duty of twenty per cent. on cottons is no more protection on the capital employed, than ten per cent. is on woollens. Why, sir, even England, with all her superiority, imposes as great a duty on printed cottons as that imposed by our present law. She imposes a duty of three and a half pence, or seven cents the square yard, in addition to an ad valorem duty of ten per cent.

Mr. Chairman: Aware how little this committee know of the state of this manufacture, I am going to furnish them the best possible evidence of the truth of my statements—the manufactures themselves. I have been furnished from a few different establishments with these samples, to which I invite the attention of the committee. It is, I dare say, such an exhibition as was never before made in this hall; it is, in my apprehension, an exhibition of which the country may well be proud. I take pride in being the organ of making it.

The distinguished son of South Carolina, who has lately taken a seat in the other branch of this Government, and who, with his friend, Mr. Lowndes, established the cotton minimum in 1816, was in Boston about the year 1818, at which time the Waltham factory was in full and successful operation. He visited that establishment, and was received with that sort of gratulation and triumph, which seemed to say, and which in fact did say—Behold here your work!

Mr. Chairman: I believe, in the enthusiasm of the moment, could it have been revealed to him, that, in the short space of fifteen years, such an exhibition as this could have here been made, and of which it might also be said, This, also, is your work! it would have given him a prouder, a nobler satisfaction, than a true revelation that it was his destiny one day to be the President of the United States. But, alas! what a change! Alas! Mr. Chairman, that in that band, who have conspired, and stand eager and impatient to strike the blow which is to lay this great interest prostrate at your feet, I should be obliged to say of that gentleman, *Et tu Brute?*

Mr. Chairman: I cannot leave this subject without adverting to one other circumstance, which has an important bearing upon this whole matter. I stated, on a former occasion, that the depressed condition of the business of manufacture in England afforded an additional reason against withdrawing protection at the present time; that after a period of upwards of twenty years of unexampled prosperity, and of extraordinary profits and high labor, a crisis had arrived when over-production, and an excess of population in those departments, had entirely changed the scene; and that for several years neither capital had given any adequate income, nor the wages of labor afforded a decent support to the laborer. The period which I fixed on as this crisis, was the spring of 1826, when a period of six months of riots, of burning of cotton mills, and destruction of machinery, took place. There was a reduction in the price of manufactures of more than one-third in those six months, from which they have never recovered; on the contrary, they have generally continued to fall still lower. This fact will sufficiently account for the business of manufacturing being comparatively profitable from 1816 to 1824, under a moderate tariff, without its following at all that the same duty would be an adequate protection now. As this view is very important, I must beg to lay before the committee what must be considered, I think, full confirmation of it. It is the testimony of Mr. Atwood, a highly respectable banker of Birmingham, and a member of Parliament, before the committee of Parliament, appointed to consider the expediency of renewing the charter of the Bank of England. It may be observed that Mr. Atwood is, in one respect, a theorist. He witnessed the prosperity of England during the suspension of specie payments, and the change which took place on supplying the place of the small notes with gold, and attributes the change to that cause. I do not agree with him; but as to the fact of the general distress, there cannot be a better witness. The following is an extract from his examination:

"Has capital been invested in your neighborhood lately? Within the last five or six months, when the iron-masters and manufacturers generally are all going to ruin, and are in a state that I do not like to describe, because we all feel the painfulness of it, they are many of them still enlarging their works, not to partake of profit, but to prolong the path to ruin, by diminishing their general charges.

"In that case, of course, the depression of trade bears much heavier upon those who are not in a condition so to augment their works—much heavier.

"Must not that be one principal cause of the distress that prevails with you now, and is it not very much confined to that class of people? It is not confined; the distress is like the atmosphere, among all working classes and trading classes in England.

"Do you mean without exception? I say without exception, although I know that extreme difficulty exists in getting at this truth, for I myself feel great pain in stating it; but my opinion is, most decidedly, that all trade in England has, within the last seven years, been carried on at a positive loss, except where speculators have now and then made a profit.

"And you think that the effect of that distress has been to increase production? In some trades, unquestionably.

"How is that consistent with an answer you gave, that you thought that all consumption depended upon the increase of production, and that the increase of production would tend to the prosperity of the trade? The wages of labor of the unhappy laborers are paid at half the price; the consequence of which is, that, though they work sixteen hours a day in some trades, they do not get so great a reward in exchange as when they work twelve hours a day.

"Then you do not think that the increase of production alone will tend to the prosperity of the country? Not unless it is at high prices; it is the plenty of money that makes prosperity.

"Then a plenty of money, raising the profits of the people, is what you think is to increase the prosperity of the country? Unquestionably, I believe nothing else will do; I mean by that, not a wild increase of money, but such an increase of money as will be sufficient to raise the prices of property and labor above the level of the fixed charges which the law and the habits of the country impose upon production.

"Is the production of the country greater or less than it was seven years ago? In some instances it is greater, but in others it is less. It is greater, by the inordinate toils of some classes of men; and less, by the total want of employment, and the state of half employment of other classes of men.

"In the aggregate, should you say that it is greater or less? It is less. The aggregate productions, now, I consider are less than they have been for the last seven years.

"Do you think the aggregate capital employed in production is less than it was a few years ago? I think there is little or no capital employed in productive power now; the capital is annihilated, considered as money.

"Can there be production without capital employed in production? The capital is annihilated; it consists of brick and mortar, machinery and engines, which are almost worthless. I know one case of a cotton mill, which cost, seven years ago, thirty-five thousand pounds, that was sold by auction a fortnight ago for five thousand pounds.

"Is the food and raiment annihilated, with which the laborer is maintained? The capital I consider to be the buildings, and machinery, and dead stock, and implements and tools. I know a case, in Birmingham, of valuable tools and implements of a brass foundry, which cost, seven years ago, one thousand five hundred and sixty pounds, which sold a few weeks ago for one hundred and twenty-five pounds.

"Do you mean to say that the buildings and implements for producing the manufacture are not in existence? They are in existence, but they are worth almost nothing at all.

"Within what period do you consider that the capital invested in manufactures has been annihilated? In the last seven years.

"Has there been no fresh capital invested in manufactures? No, except in the manner I have described, in the desperate struggles of men trying to escape from ruin.

"You consider, then, that no capitalists have invested their capital in manufactories, with a view to productive returns within the last seven years? I am certain of it.

"Is there any increase in the cotton manufacture within the last seven years? The destruction of one man makes a rise of another. In some cases, in the cotton trade, immense mills have been sold, or let, for a fifth of their value; and out of that destruction, a new tradesman, coming in unshackled, sometimes contrives to exist, but not to make a profit.

"Does not a branch of manufacture sometimes establish itself in a new part of the country, to the very serious injury of property in places where it formerly existed? I have known nothing of that kind within the last seven years. I see every one shrinking from manufactures; every one that can draw out one-tenth part of his capital gradually does it, but I have seen no determination of capital into any trade within the last seven years; on the contrary, I have made it a point, within the last seven years, of asking the question, and I am sure I have asked it of a thousand well-informed tradesmen, whether they knew of any branch of industry existing in England, in which a prudent man of industrious habits, with ten thousand pounds in his pocket, and of competent knowledge, would be justified in embarking his capital; and I have never met with but one single instance in which that question has been answered in the affirmative, and that single instance was a Manchester gentleman; and when I came to cross-examine him, he broke down.

"You have stated that the fixed capital of the country is absolutely annihilated? Yes, I consider it so, as convertible into money.

"You have stated, also, that in many instances capital has changed hands? Capital which was worth one hundred thousand pounds has fallen in some cases down to five thousand pounds; that five thousand pounds gets into new hands, and enables the new man to carry on the machinery and the trade till another failure drives him to sell it for two thousand pounds; and so there seems no limit to the depression in progress.

"When do you consider that process commenced of the destruction of capital? In the autumn of 1825. It commenced in the first place in 1816, and then it was changed in 1817 and 1818; then it commenced again in 1819, and went on till 1822; and then it changed again, and prosperity came till 1825."

Now, sir, this is the state of things against which our own manufacturers would have to contend on opening our ports at a small ad valorem duty. And in this conviction I cannot avoid making a short extract from the examination of Mr. Rothschild, the celebrated banker, before the same committee. I cannot but recommend the remarks of this practical man to the theoretical supporters of the system of free trade.

"If the exchanges be in the long run almost invariably in favor of this country, must not that be because there is a considerable balance owing from other countries to this? Yes.

"How do you consider that there is a considerable balance owing from other countries to this? Because England is the place of settlement for the whole world; what is wanting in India, in the Brazils, &c. gets settled here; and, secondly, suppose you import iron from Sweden, if you receive one thousand pounds worth of iron and manufacture it, you will then get ten thousand pounds for it, and then, when it is manufactured, it is sent to all the world. Suppose you get cotton from America, the cotton costs there three pence or six pence a pound; but when it is manufactured, that pound of cotton is worth four times as much. In the regular course of things, the exchange with every country must be in favor of this.

"If your opinion be true, that if there were no importation of corn into this country, and if there were no foreign loans wanted from this country, the exchanges would always be in favor of this country, must not it inevitably follow that all the gold and silver in the world must come to this country? It will tend to come here.

"Must not there be some counteracting check? Yes; if there was not, the world could not go on; if we had not sometimes importations of corn, and sometimes foreign loans wanted, I do not know how the people on the continent could live.

"You have taken into consideration the commodities that go out, but have you taken into consideration the wine and other articles brought here for consumption? If it were not for those things, I do not know what would become of the people abroad.

"Does not what you have stated prove that there is a gradual impoverishment of every other country in the world? I do not know that; because you must consider the quantity of gold we receive from the mining countries. We bought lately in Paris eight hundred thousand pounds sterling of gold, which came from the Dey of Algiers, that was locked up in his cellar, and did nobody any good.

"If other countries are not able to pay their debts to us, by sending to us the commodities they produce, but are obliged to send us gold, must they not be in a state of gradual impoverishment? Certainly; and what is the consequence? The result is, that we always make a loan when they get very poor; they always come for a loan of five or ten millions, or whatever they want."

Before I take my seat, Mr. Chairman, I have a few words to say in reply to the honorable member of the Committee of Ways and Means, from Tennessee, [Mr. POLK:] that gentleman informed us that the committee had fully examined into the matter, and that the bill would do the manufacturer ample justice; that its only effect would be to take away a part of the enormous profits which they were now making, and put them on a par with the rest of the community. I confess I was somewhat curious to see how this position was to be maintained; and I will not conceal my surprise, my utter astonishment, when he announced to us that the evidence was extracted from documents furnished to the Secretary of the Treasury, under a resolution of the last session of Congress, for the purpose of furnishing this House with information, now in the process of printing, and which the committee obtained from the printer of this House, partly in sheets and partly in manuscript, but none of which has been seen by a single member of this House. Yes, sir, it seems the manufacturers have been tried, and convicted in secret conclave, by the holy inquisition of this committee, by confessions extorted from themselves, and all this not only without being heard, but without being present! They have been convicted of making too much money. And, for this crime, this House is called on to perform execution. And the gentleman has actually chided us for the delay which made it necessary for him to state that there was any evidence at all in the case.

But, Mr. Chairman, what is that evidence? In the first place, he states that many of the agents declined answering the question, what were the profits? All these are condemned in mass for contumacy; "the inference is, therefore, most strongly drawn, that they could well bear a modification of duties, and still realize a fair profit." To be sure one agent gives the reasons assigned by many manufacturers, "as not willing to hazard an opinion on a subject they have not viewed in all its bearings." Another agent says, "they generally declined," or, "we make little or nothing." However, he says they have furnished evidence enough to condemn the whole body. And what is it? In the State of Vermont, Moulton and Cummins, in a woollen factory, make a profit of forty per cent. on twenty-two thousand dollars; J. Powers makes fifteen; N. B. Hazen makes twelve per cent.; an iron foundry yields fifty-four per cent. So much for woollens and iron!

Then, as to the cotton manufacturer, we have the following from one of the agents:

"It is well known that Maine has not many large manufacturing establishments of any kind. In that portion of the State which I visited or examined, I found but two cotton factories; one at Winthrop, in the county of Kennebeck, and the other at Gardiner, in the same county. The agent of the former very readily answered all the inquiries put to him, within his power to answer; the result of which will be found on sheet No. 1, accompanying this; but the directors of the Gardiner factory declined answering any of them, although twice called upon by me, and once written to on the subject. I, however, found, by inquiry, that their operations are about one-third more than those at Winthrop; and, owing to a favorable location and other facilities for carrying on their business, their profits must have been, during the year ending September last, fully twenty-five per cent." The agent guesses the profits at Gardiner must have been twenty-five per cent., because a factory at Winthrop made "about twenty per cent." Now, sir, I happen to know that the factory at Winthrop was sold, some years ago, by the corporation to whom it belonged, for a very small part of the cost; leaving large debts unpaid, and which remain unpaid to this day. The gentleman then displays manuscript documents: No. 150, fifteen per cent.; No. 149, twenty per cent.; No. 134, twenty-five per cent.; No. something, fifty per cent.; but, on being questioned to what business it related, it turns out to be saddlery. The gentleman proceeds, here are the returns; any gentleman can examine them for himself. And on such *ex parte*, imperfect, and anonymous testimony, we are called on, without an opportunity to examine it, to settle this most delicate question.

Most of the testimony quoted consists in the opinions of the agents appointed to collect facts; appointed to collect facts, they furnish opinions!

Mr. Bronson, of Connecticut, thinks the cotton manufacturers make use of a bad argument against the reduction of duty on cottons. Another agent answers an objection, which has been made, very satisfactorily to the gentleman from Tennessee. It is this: "The apprehension in which so many of the cotton manufacturers concur, that a foreign article, equal in appearance but inferior in quality with theirs, might compete successfully with theirs, appears to me [says the agent] quite groundless. Such an article would, in my opinion, find its market value controlled by quality."

And for such opinions the public money is paid. Sir, I will not waste time in answering such evidence or such opinions. I will only observe, that the period fixed on for making these returns, the year ending September, 1831, comprised a period of great overtrade, of high prices, of great profits, real or apparent, in every branch of business; it forms no criterion of the average, or subsequent state of things. I stated myself, at an early period of the last session, that, in some few cases, manufacturing profits had amounted to ten per cent. for six months; and yet the same establishments have made less than four per cent. for the last six months; in fact, a great part of the supposed profits of 1831 have proved mere moonshine, having been swept away by the numerous failures of 1832. I beg leave here to refer to a letter from a mercantile house in New York, of the highest respectability, which I presented to this House during the last session, in connexion with this topic.

I have a single word to say in reference to the questions propounded by the Secretary, as to profits, without expressing any opinion as to the propriety of the inquiry. I do say it is a matter of the utmost difficulty and delicacy to say what are the actual nett profits of a manufacturing establishment.

There is no rule that I know of, what allowance should be made for wear and tear and depreciation of machinery; it is a problem wholly unsettled. So much machinery is thrown out of use by new improvements, that there is a constant tendency to overrate the profits beyond the final result. I cannot state a stronger instance of this than in respect to the Waltham company; certainly, I suppose, the most profitable concern that has existed in the United States. They divided, for a series of years, about twelve or thirteen per cent. on the average; making what was considered a sufficient reserve for wear and tear, &c. And yet, in 1830, in making a critical valuation of their property, of their original capital of six hundred thousand dollars they could only find four hundred and fifty thousand dollars, or seventy-five cents to the dollar.

Sir, some of the questions from the Treasury Department were of a character not easy to answer; for example: If a reduction of the tariff should cause you to abandon your business, how would you employ your capital? What is the average profit of money or capital in the United States? Who can answer this question? Certainly I cannot. So much depends on the security of the return. We know very well that four and a half per cent. stock of the United States would bring a premium. In trade or manufactures, I suppose ten per cent. would not be considered unreasonable. Gentlemen from Kentucky, Ohio, and Louisiana, tell me that any amount of money can be loaned in that region, on the best security, on bond and mortgage, at ten to twelve per cent. And gentlemen of the highest authority, from Louisiana, inform me that they will ensure twenty per cent. in cotton planting, so long as cotton will sell for ten cents a pound.

But the gentleman from Tennessee, after excepting against want of skill, borrowed capital, bad machinery, bad debts, fire and floods, lays down this proposition: "The general proposition which I affirm to be established by the whole body of this testimony, is, that in all those establishments where there is skill, real capital, improved machinery, and proper economy and vigilance in their management, they have proved to be more profitable than any other regular and steady business."

Now, sir, I join issue with the gentleman; I deny the fact *in toto*, and challenge him to make it good. Does he know better than the parties themselves? Sir, I have in my hand a statement made up by a gentleman, for whose correctness I can vouch, in the shape of an account current, showing the result of an original investment of fifty-one thousand dollars in the different establishments at Lowell, since 1821, and certainly no establishments stand higher, showing that, taking the price at which those stocks are selling, his return is something short of seven and a half per cent. per annum. The price of the stocks is in itself a very safe criterion; there are none worth par in the market. I have the last semi-annual returns of profits from the following companies: the Lowell, making negro cloths, capital four hundred thousand dollars; profits, between four and five per cent.; the Hamilton, capital nine hundred thousand dollars, barely four per cent.; the Merrimack company, capital one million five hundred thousand dollars, fifty-nine thousand dollars short of four per cent. As to the effect of this bill, which the gentleman considers so safe, I have only to state that the mere rumor that this bill might pass, caused a large quantity of the stock of the latter company to be sold at twenty per cent. discount. I have also in my hand a letter from Messrs. Lawrence & Stone, of Boston, owning one of the best conducted woollen establishments in the country, stating they had just made up their account for the year, having manufactured two hundred thousand dollars worth of cassimeres, and showing an actual loss of over four thousand dollars; and yet they did a very good business in 1831. I could multiply this evidence to any extent; but I trust I have satisfied the committee that this interest is, in fact, at this very moment, instead of being unusually profitable, very much depressed. As an evidence of the effect of our hasty tampering with this matter, I must beg to read the following extract of a letter from Lowell, a place of twelve thousand inhabitants, depending on the cotton manufacture, dated 13th January:

"Lowell is dull enough; no land speculations are going forward, and no prospects of new buildings yet being built. Several of the speculators and builders, who are without capital, (and this is the case with most,) have failed, and more must follow; no money can be hired now on real estate in Lowell, and rents, which have been very high, are coming down. As yet it so happens that every man who has failed, is of the true Jackson party; and the supporters of the President in this place are now pretty well satisfied, by woful experience, that he is not the great friend to protection which they have before insisted upon his being."

After all, Mr. Chairman, will this bill satisfy South Carolina? No sir, not at all. She has sworn by all the saints in the calendar, "that a protecting tariff shall no longer be enforced within the limits of South Carolina," and no human power shall drive her from her position. Does this bill extinguish the principle of protection? By no means. It will prostrate great interests, but it will not meet the position taken by South Carolina.

No friend of South Carolina would wish to see her satisfied with this bill. I have too much respect for her to believe she would be satisfied by it. What would be the inference, and what would be said by the world? South Carolina talked loud of principle, but she was only bragging high; her object was to get a little filthy lucre, and she was satisfied with it. I should be sorry to see South Carolina so disgraced. No doubt she must retrace her steps; she may do so with credit to herself; she may yield to the force of public opinion. I would give her time for reflection. So far as the real interests of South Carolina are concerned, I would save her from herself. I fully believe that the passage of this bill would lessen the value of her great staple of cotton nearly or quite a cent a pound.

In conclusion, Mr. Chairman, I have satisfied myself, if not others, that we have no surplus revenue to reduce; that this bill is destructive, ruinous, unprincipled in its character; that its passage would alienate the affections of a great body of the people from the Government, and tend to disturb the peace and harmony of the Union.

[The above is Mr. A.'s entire speech as delivered on both days; but when he first obtained the floor, on Tuesday, he yielded to a motion for the rising of the committee, which was negatived by a majority of one vote, and Mr. A. thereupon commenced speaking.

He had proceeded but a few minutes, when the motion was renewed, but again negatived: Yeas 72, nays 75.

Mr. A. had spoken for half an hour, in opposition to the bill, when the motion was once more made by Mr. E. EVERETT, and succeeded: Yeas 69, nays 63.

The committee accordingly rose.]

Mr. **SPEIGHT** then moved that the House do again go into Committee of the Whole on the state of the Union. He wished the people to see who were for deciding this question, and who were not.

Mr. **EVANS**, of Maine, moved that the House adjourn.

Mr. **SPEIGHT** demanded the yeas and nays; they were ordered, and resulted as follows: Yeas 68, nays 76.

So the House refused to adjourn [at 20 minutes before 4 o'clock.]

Mr. **SPEIGHT** moved that the House do now go into Committee of the Whole on the state of the Union.

Mr. **VINTON** demanded a call of the House.

Mr. **SPEIGHT** asked the yeas and nays, and gave notice that he should do so whenever it should be moved to adjourn before 5 o'clock, until this bill should be disposed of.

Mr. **STANBERY** moved to adjourn.

Mr. **SPEIGHT** demanded the yeas and nays.

Tellers were called for, in order to ascertain whether one-fifth of the House demanded the yeas and nays.

The yeas being 23, the nays 78, it appeared that no quorum had voted.

The **CHAIR** decided that the yeas and nays should be called.

Mr. **MERCER** appealed from this decision; but afterwards consented to withdraw his appeal.

The yeas and nays were then taken, and resulted as follows: Yeas 71, nays 75.

Mr. **VERPLANCK** said that at this time he feared it would be to no purpose to urge the House to proceed with the bill; but as the eyes of the nation were on the House, and an intense anxiety was felt through every part of the country on the result, he had been requested, on behalf of the Committee of Ways and Means, earnestly to invite all who thought with them, as to the propriety of passing the bill, to come to the House to-morrow with a fixed determination of getting the bill out of committee if possible. He concluded by moving to adjourn, but withdrew his motion at the request of

Mr. **BURGES**, who admitted that great anxiety prevailed throughout the country as to the result to which Congress should come in respect to the bill: but observed, that there were many gentlemen in the House who wished and demanded to be heard before the bill should be taken out of the power of the committee; of these he was one.

Mr. **WILDE** said he was very anxious that the House should proceed; he would move to go again into committee, and if gentlemen were willing to listen to him, he would willingly commence his remarks at this hour.

Mr. **POLK** remonstrated with warmth against early adjournments while this bill was yet in committee: delay must be fatal to it: and if gentlemen agreed with him, he hoped they would come to-morrow determined to sit until the cock should crow on the following morning, if the bill could not sooner be gotten out of committee. Let gentlemen bring forward their amendments at once, and not consume the time in discussions on general principles.

Mr. **EVERETT** explained why he had at first moved for the rising of the committee. He had not done it in any vexatious spirit, but because, while his colleague [Mr. Appleton] was making very important statements, on which he was founding a strong argument, the noise and confusion in the committee were so great that, although he sat within three feet of his colleague, he could not hear his words with sufficient distinctness to comprehend them. Numbers were just returning from another place where their minds had been much excited, [he was understood to allude to the Senate, where Mr. Calhoun had been speaking,] and their entrance produced much of the disorder which had prevailed. It was not quite fair in the gentleman from Tennessee [Mr. Polk] to press thus hard for a decision. The gentleman had himself made yesterday a very plausible speech, and one which, according to his own account of it, had made members flutter who were round him. And what had been the staple of that speech? Documents—to which none (or but one or two) of the members had had any opportunity of access. On these statements, he wished the House to go into immediate action on the bill. Mr. E. asked in the name of justice that these documents should first be laid (as far as they were printed) on the tables of members, that they might have at least the materials on which to form a judgment.

Mr. **CARSON**, after some remarks imperfectly heard, moved that the House adjourn.

The motion prevailed, and the House, at length, adjourned.

Wednesday, January 23.

MANUFACTURES, &c.

The House then resumed the consideration of the resolutions submitted by Mr. Adams.

Mr. **HOFFMAN** proceeded to address the House, but was notified by the Speaker that the member from Massachusetts [Mr. Adams] was entitled to the floor.

Mr. **ADAMS** said he had closed his remarks.

Mr. **HOFFMAN** then said he was not disposed to engage in a little counter debate on the subject of the tariff, when the main debate upon that important question was before the House in a Committee of the Whole on the state of the Union. A few of the remarks which had fallen from the gentleman from Pennsylvania [Mr. Stewart] might, however, be supposed to require a word or two in reply.

The gentleman required a great deal of information. He [Mr. H.] was willing to give him as much as he could, and if he was not satisfied with that, it was out of his power to give him satisfaction. It appeared to him that if the gentleman could have recollected his vote and his predictions of ruin, he might have asked the House to rejudge the question. The gentleman said that he was in Egyptian darkness; perhaps he was, and subject also to other of the Egyptian plagues; but he wanted light. Mr. H. was sorry that it was not in his power to give the gentleman as much light as he wanted, but he would assist as far as he could. He wished for a reduction of the duties, because he wished to reduce the revenue six millions. He had the interest of the manufacturers at heart, and wished to encourage them as much as any one; but he wished the people to be disburdened. He wished to encourage industry, and would be glad to see all idleness converted into industry; and when he proposed to relieve the country of six millions of taxation, he believed himself to be acting as friendly a part to the country as those who wished to continue the taxes. So much for his answer, and for the reason why he would vote for the reduction of the taxes. At the last session the gentleman supposed that the bill of 1832 would not only produce enough for the revenue, but too much; a large sum in the public treasury, he looked upon as the greatest of human evils. He imagines the present bill to be unfortunate, inasmuch as it will not sufficiently reduce the revenue. He cannot say that it was unfortunate in not having the effect of reducing the taxation. The gentleman stated a scheme by which he could reduce the revenue without interfering with the manufacturing interest. He would not mind his scheme, but he would say that the present copper-washed pig iron system of taxation was the most cruel, the most oppressive, and the most impolitic that could be devised. When the people asked for a reduction of taxes, the gentleman would accommodate them by saying you shall have no relief; what you deemed burdensome shall be increased to you tenfold. This was such a system as ought only to be proposed by the worst of despots to slaves in the Asiatic world. He hoped the gentleman himself would repudiate and condemn it. He hoped never to see the Secretary of the Treasury adopt that system. No; the Secretary of the Treasury was an honest man, and would adopt no such thing. But, although he thought so badly of the scheme, yet the gentleman in Egyptian darkness thought highly of it. He would test his sincerity in a few articles. Would he adopt his system with regard to indigo? When he attempted to carry out this system on an article like that, he might have some credit for sincerity.

If Pennsylvania had procured for herself a sufficient quantity of railroad iron, to secure the completion of her great works, perhaps it would be as well for the gentleman to propose a duty on that article. The tax would certainly cease, if it went to prohibit the use of the article; and if the gentleman could get a duty of one or two hundred dollars a ton laid upon railroad iron, it would save all the duties on that article; but he would not recommend it, until a sufficiency of railroad iron was obtained to complete the works in Pennsylvania. So strong was the gentleman's opposition to the bill, that he was of opinion that the passing of it would create discontent and disturbance. Did any man believe that the people would take up arms, because their taxes were reduced? It would be a new era in history, if the people should be found to revolt against a reduction of revenue. He hoped Congress would exercise discretion and judgment, so as not to call forth confusion from a reduction of the public burden. The gentleman had said he wished for or recommended the imposition of taxes, because it caused a great reduction in the price of goods. He [Mr. H.] submitted to the gentleman and to the House, that the question was not whether the prices of goods had fallen or risen. The prices of goods depended on many circumstances, independent of taxation. Articles of importation changed their prices according to their value in foreign markets, according to the quantities imported and on hand, and from many other causes. The question was not, then, had the prices of goods risen or fallen; but, were the prices higher or lower than they would be without the tax? This might be ascertained by the difference between purchases made here and in other countries. In a document which was furnished by the Secretary of the Treasury in 1827, the gentleman might find a great deal of the information which he asked for. According to this statement among the ad valorem duties, he would find cloth of American manufacture at nearly double the price of foreign; and, in a great proportion of articles, the American prices kept from one-half to two-thirds in advance of European prices. At the other side of the water, the gentleman's system was better observed. There, the wants of the Government frequently rendered taxation sufficiently burdensome. Where goods were imported at ad valorem duties, the importer had an advantage on the price. He might have a variety of invoices, one by which to pay his duties, and sell according to another. In 1831, importations sold at handsome profits in the American market. Mr. H. then went into a comparative statement of the prices at which goods were purchased in the various markets of Europe, and said that those who had been purchasers in this country could say what the prices were in this market, and whether the prices of American manufactured articles were much below them. He submitted that the real question was whether the real prices were lower than they would be without the tax. He allowed that the prices in an importing country must be a little greater than in the country from which goods were imported. There must be the expense of transit, and a moderate, and sometimes an immoderate profit for the importer. He wanted something to reduce the prices; and the gentleman had said that the taxes reduced the prices. How? Mr. H. then went into a statement of the effects which the duties had on the prices of goods at different times. He would ask the gentleman to examine the returns of imported articles under ad valorem and specific duties. The real question was, were they lower here than they would be without a duty? No one would support a tax which could not reduce the prices of goods, but which might make them so high that they could not be purchased. He was averse to such a tax.

As soon as Mr. H. concluded his remarks, it was announced that the hour devoted to the consideration of resolutions had expired.

Mr. ADAMS wished that the question might be taken, at least on the first resolution, as early as possible. The information was of great importance as connected with the bill now pending in the committee of the House. He wished the House to understand that his resolutions had been before it about ten days, and had always been postponed in consequence of the hour expiring. During that time he had not detained the House, by any thing he had said, ten minutes. But if gentlemen would drive the House, Jehu like, into the consideration of the bill, without the information which the resolution was intended to afford, it seemed like a wish to prevent coming to a decision, which he deemed very important.

Mr. KENNON rose, but the hour allotted for morning business having expired, the House proceeded to the orders of the day, and again went into Committee of the Whole on the

TARIFF BILL.

Mr. APPLETON resumed his speech, and concluded after addressing the committee, in opposition to the bill, about three hours.

[His speech is given entire above.]

Mr. EVERETT, of Vermont, followed. The honorable chairman of the Committee of Ways and Means stated, yesterday, said Mr. E., that he was instructed (with what propriety, it belongs not to me to say) to request the Committee of the Whole to sit out the question to-day. This being the course indicated, I shall not make the motion, which at this hour (four o'clock) is usually sustained, that the committee rise; and I hope that motion will not be made by any opponent of the bill; though, should it come from the other side of the House, it would be accepted as a favor.

I do not rise, sir, for the purpose of delaying the progress of the bill; but to defend the interests of my constituents, which will be so deeply affected by its passage. I consider this bill not only as immediately injurious to their interests, but as tending to undermine, and ultimately to subvert the system of protection to the labor and industry of the country. The State which I have the honor, in part, to represent, at an early period adopted the system. Her representatives, against the rest of New England, (with the exception of New Hampshire,) voted for the tariff of 1816. They also voted for the tariffs of 1824 and 1828. From year to year, as often as the question has been in prospect, her Legislature has, by unanimous votes, requested her representatives to support the protecting system. Resolutions of that character, I have had the honor to present to the House during the present session. Such being the sentiments of my constituents, I cannot consent to permit this bill to progress further, without submitting to the committee my views of its principles and tendency.

I have said, sir, that my State is deeply interested in the fate of this bill. From the returns of the treasury agents, I am enabled to give a statement of those interests, approximating to accuracy. We have invested, in the various branches of manufactures, a fixed capital of $1,250,000, and an active capital of at least $1,750,000, yielding an annual product of over $2,250,000. We have in sheep the value of $3,000,000, requiring, in land, for their sustenance, the value of $10,000,000, yielding an annual product of $1,750,000. These interests are spread over the whole State; the manufacturers are located on every stream; the wool is the product of almost every farm. From this statement, it will be perceived that the leading interest is that of agriculture; the leading object, to protect the labor of the country, and, incidentally, the capital invested in manufactures. Those interests are mutually dependent on each other. It is in vain, sir, that we lay high duties on foreign wool, if we do not create a market for our own, by encouraging manufactures. On the other hand, we encourage manufactures, not for the mere profit of the capitalist, or of the manufacturers of foreign wool.

The bill has two objects; the one, ostensible; the other, understood; to reduce the revenue; to allay the discontents of the South. The bill, in conformity with the President's message, proposes to reduce the revenue to the wants of the Government. This reduction becomes necessary in consequence of the near approach of the extinguishment of the public debt. In this I most heartily concur; on this point there is no difference of opinion. I go further: I not only concur in the necessity of reducing the revenue to the expenditure, but will go as far as any one in reducing the amount of that expenditure; not only to the sum of $15,000,000 proposed by the committee, but to the sum of $12,000,000. This, I think, it is in the power of this House to do; I do not say at this time, but that it ought to be ultimately brought down to that sum. The object understood is, to allay the discontents of the South. At the last session, I had supposed both these objects would have been effected by the bill of the 14th of July.

Soon after my return, sir, I received a document from the treasury, stating that the bill of July would reduce the revenue (calculating on the basis of the importations of 1830) from $17,288,643 to $12,101,567. But from the calculations appended to the report of the committee, made on the basis of the imports of 1831, the revenue, instead of being reduced to $12,000,000, will be raised to over $19,000,000. What will be the true revenue of 1833, under the bill of 1832, is not, it seems, to be ascertained by mere figures.

In regard to the protection of manufactures, I will not now stop to inquire, with what research, with what labor, with what care, the bill of 1832 was matured by the appropriate committee, (the Committee on Manufactures,) nor with what zeal, with what ability, it was debated, and contested, inch by inch, article by article; nor refer to the repeated yeas and nays on the minute questions of a cent more or a cent less duty; nor to the large majority by which it was passed, including, I believe, a majority of the opponents of the protecting system. It is sufficient to say, it was then supposed that the reduction of protection was carried as far as could be done, "consistently with the safety of existing establishments."

That was a bill for revenue: it was not the object to raise more money than the expenditures of the Government required. In adjusting the duties, incidental protection only was given to manufactures. That is all that they have ever received under any tariff; it is all they now ask. Nor has the propriety, much less the constitutionality of granting it been denied until lately. Both principles were admitted in the late address from the Baltimore Free Trade Convention, attributed to (I believe reported by) the late Attorney General, Mr. Berrien.

I have been sadly disappointed in the anticipated operation of the bill of July. It seems, sir, to have effected neither of its objects. It is now taken for granted that it will not, in some years to come, reduce the revenue; and it has equally failed to allay the discontents of the South How, as a measure of concession, of conciliation, has it been met? The President's late message has informed us.

Mr. Chairman, ought such a reception to have been expected? Were there no valuable concessions in that bill? Did the manufacturers yield nothing? Sir, I hold in my hand a statement of what the woollen interest alone gave up by that bill, cast on the importation of 1831.

	Value of imports in 1831.	Amount of duty reduced by act of 1832.
On wool, costing 8 cents per lb., and under, from 4 cents per lb. and 50 per cent. ad val. made duty free, 1,235,601 lbs. -	$54,363	$76,585
Duty on other wools reduced 10 per cent. ad val. 4,387,359 lbs.	1,234,516	123,452
On coarse woollens, costing 35 cents per square yard, and under, from 14 cents per square yard, (being an average duty of 54-45 per cent. ad val.) to 5 per cent. - - - - -	1,005,660	491,299
On coarse blankets, costing 75 cents each, and under, from 35 to 5 per cent. - - - - -	650,000	195,000
		894,336
On other blankets, from 38½ to 25 per cent. - - - - -	650,000	87,750
On flannels, baizes, &c. from 45 per cent. on a minimum of 50 cents, (being an average of say 66 per cent.) to 16 cents per square yard, being an average of 50 per cent. - - - -	350,000	56,000
On all carpeting, an average of say 5 per cent. - - - -	421,129	33,690
On all other woollens, from 45 per cent. on the minimum duties, to 50 per cent. ad val. -	5,893,023	uncertain.

The coarse woollens and coarse blankets are principally used for the clothing of Southern labor, and under the proposed reduction the importation would, probably, be doubled in 1833. Were these concessions, made by the woollen interest, of no value? I pass from this painful subject, for the present, to the consideration of the bill before us.

The report of the committee contains one sentiment, to which I most cordially assent, "that we are more exposed to suffer from uncertainty than even error in legislation;" and what is the commentary? Why, sir, when this bill appeared in the House, (22d December last,) that of July was scarce five and a half months old; it had never gone alone. But, sir, I do not, technically, question its legitimacy. It had other parents; it came from the Committee of Ways and Means. A bill, settling the policy of the Government, in regard to the protection of manufactures, from a committee, whose appropriate duties, I say it with great deference; whose appropriate duties are, in my judgment, far more limited. I do complain that this committee has, in this bill, undertaken to settle the great questions of policy relative to the protective system, internal improvements, and the public lands. I had supposed that these subjects were appropriate to other committees; that, through their agency, the questions of public policy were to be presented to the House, there to be settled; and that it was the duty of the Committee of Ways and Means to provide the means, in accordance with the policy so settled. On another occasion, it seems to me, the committee recognised this rule of action. A few days since, they moved a reference of a subject to the Committee on the Public Lands, to settle a question of policy, before they could report an appropriation. But, sir, why do I complain? It is a case of a wrong without an injury; we should have fared no better had it come from another committee; possibly worse. And here I will take occasion to say, that never, since the organization of the Government, has so important an interest been left unprotected. I beg pardon of the honorable chairman, [Mr. Adams,] and the gentleman on my left, [Mr. Condict.]

At an early stage, I believe at the first sitting of this committee, after the chairman had called our attention to the details of the bill, an honorable member of the committee [Mr. Wilde] remarked, "majorities vote, minorities talk." The words, though significant, were, I thought, of evil omen, to our interests, at least; and I regretted that we could not expect the aid of the talents of the majority in discussing the great principles involved in this bill. It seemed that we must take it, *nolens volens*. In other countries the bow-string is applied by persons who do not talk. I am now, however, much gratified that the majority have, in some measure, changed their course.

The honorable chairman has called on the different sections of the country to come to the support of this bill. When he calls on New York and Pennsylvania, I trust he will call in vain; though I cannot but see that, without votes from those States, this bill cannot pass. And will they desert us now—they who, on former occasions, have led the van?

For the tariff of 1816, New York stood,	20 to 2
of 1824,	26 to 8
of 1828,	27 to 6

And Pennsylvania, too, who on those occasions, voted,

in 1816,	17 to 3
in 1824,	21 to 1
in 1828,	23 to 0

Pennsylvania, though not now the victim, is reserved for a future sacrifice. On recurring to the yeas and nays, I think it will be found that the line of division was then drawn between the agricultural and commercial interests.

I will now, Mr. Chairman, proceed to examine the bill before us in relation

To the reduction of the revenue;
To the protection of manufactures;
To the conciliation of the South.

The reduction of the revenue to the wants of the Government:

What are those wants?

In what manner is the revenue to be reduced?

What are the wants of the Government? The committee estimate the ordinary expenditures of the Government for this and succeeding years, at $15,000,000. I can hardly make up my mind to question its correctness. If the Government say that this sum is all that is wanted, it is performing an ill office to prove that more is wanted. But, sir, this House, as a part of the Government, is bound to ascertain the wants of the Government, and not to shut their eyes to those that are inevitable, or even probable.

The report proposes to sell the bank stock for the purpose of paying the balance of the public debt. That I consider a mere question of profit and loss; unless, as has been remarked by the gentleman from Massachusetts, [Mr. Reed,] the date which history may give to its payment, should be taken into the account. As a question of profit and loss, the bank stocks pay us seven per cent. and our debt is at from three to five.

I pass by the unexpended balance of $5,000,000, as the explanations of the honorable chairman were to me entirely satisfactory.

The committee have not included in the estimate of expenditures the large amount of private claims now before the House, nominally from seven to ten millions of dollars. Ought not these claims to be adjusted before we put the means of paying them out of our hands?

There is another subject of future expenditure: I allude, sir, to the probable removal of the Indians from Georgia. It gives me great pleasure to have reason to hope that that controversy is about to be settled to the satisfaction of all parties.

Mr. Chairman, have the committee looked to the South as a source of expenditure? I sincerely hope that there will be no occasion of adding an item of that character to the amount.

There is one subject of expenditure which the committee have, so far as regards the interior, stricken from the account—internal improvement, as heretofore, and until lately, understood. On this subject, I have more than once presented to the House resolutions from the Legislature of Vermont. I consider internal improvements as intimately connected with the protective system; not as creating a necessity for duties, but as cheapening the price of every article of manufacture, by diminishing the cost of transportation. The expense of transportation to the interior is one of our heaviest taxes; in some sections, more than all others. Sir, I consider internal improvements as returning many times their cost, in the increased value of the country in which they are made; in the comforts, and, I may add, in the civilization of its inhabitants. A comparison of those sections of the country where they have been fully executed, with those where they have been refused, would afford matter for deep reflection. In addition to the direct benefits, I consider canals, railroads, rivers rendered navigable, not only as affording the greatest facilities to national defence, but as the great bond of union, which, uniting State with State, one section of the country with another, rendering them mutually dependent upon, and necessary to, each other, will consolidate the Union in interest, not in political powers, and, more than any other single cause, tend to render it perpetual.

I have a word to say to the seacoast friends of the limited doctrine of internal improvement. It is time we should understand each other. Do they suppose the interior States will long consent to the limitation of internal improvement, to lighthouses, breakwaters, harbors, navigable rivers below ports of delivery? We have no direct interest in them. If deserted by our old friends, shall we continue to support them, for the purpose of enabling commerce more effectually to discourage our manufactures? Tide water improvements must, in the end, sir, be carried by tide water votes.

If it be taken for granted that the sum of fifteen millions is all that is wanted, (and, in relation to the objects embraced in the estimate, it is certainly ample,) how is the reduction proposed to be made?

The estimate of the committee of the revenue under the act of 1832, based on the importation of 1831, is - - $19,530,648

While that of the treasury on the importation of 1830 is only	12,101,567
A difference of only	7,429,081

The committee have taken neither, but have made their estimate on an average of the importations of six years, but years of great prosperity. If, sir, you destroy the ability to pay, you diminish the consumption; and as to the amount of revenue, much must depend on the effect of the laws in relation to our manufactures. If they are prostrated, you may have perhaps even an increased importation for a year or two, but thereafter it will diminish as the consumption decreases. The years of 1831 and 1832, it is understood, were years of excessive importation; the usual consequence will follow, a diminished importation, except of the protected articles, and no certain or very probable reliance can be placed on any of the estimates. The committee may find themselves as much at fault in their estimate, as the Treasury Department was in that of July.

The ostensible object of the bill being to reduce revenue, why have the committee thought proper to recommend new duties? This is said to be done from a motive of financial prudence altogether. The operation of the bill is, it seems, a subject of, more or less. But, sir, why could not this financial prudence have been as well exercised in abstaining from reducing the duties on wool and woollens to the same amount? It is, in fact, the laying these new taxes, that creates the supposed necessity of reducing the duties on these protected articles.

The reduction of duties on woollens amounts to		$2,101,787
The duties laid on coffee and teas	1,232,741	
On silks	622,284	
		1,855,025
		246,762

The repeal of the duties on tea and coffee at the last session, was made on the ground that they were articles of general consumption, which inveterate habit had rendered necessaries, as well to the poor as the rich. From what quarter had come any indication of a wish that these duties should be restored? From no quarter, sir; their repeal was one of the measures which gave great satisfaction in every part of the country. I will refer the committee to a piece of evidence from the State of Maine; it is on the very first page of this book, [returns of treasury agents, Doc. No. 308, now printing for the information of the House.] I read from a letter signed Asa Clap, addressed, under date 21st April, 1831, to the Secretary of the Treasury. "Among the many duties which have been oppressive, were reckoned salt, coffee, and tea, being all used by the poorer class. As the Government has rendered itself popular in the reduction of the two first articles, it is hoped they will in the latter also."

A word, sir, on the subject of raising the duty on silks. I readily admit they are a proper subject of revenue tax though an article of very general consumption, it is not one of the necessaries of life. Poor and rich are relative terms; and, sir, in that relation, which pays the heaviest tax on silks, in proportion to property, to ability to pay? I am inclined to think that the rich do not consume, or pay duties on the article in proportion to what is paid by the poorer class. But, sir, the question is not now placed on the general policy of taxing silks, as an object of revenue: we are not seeking to increase the revenue; but the question is now put to us in another relation—Shall we increase the duties on silks, for the purpose of creating a necessity of reducing the duties on foreign wool and foreign woollens? That is the question; and, for one, I answer, that I will not agree to the exchange.

There is another subject of increasing importance, to which I wish to call the attention of the committee. The report counts on the receipts from the sales of the public lands, amounting hereafter to three millions of dollars, as a part of the permanent revenue; as one of the items in their "basis for a financial system for many years to come." The proceeds of those sales have, it is true, been heretofore considered as a part of the revenue of the country, and it would have been very proper to have retained them in the estimates, had no change of policy been indicated by the Chief Magistrate, in accordance with the manifest expression of public opinion. In his annual message, he says: "It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue," &c. Yet this recommendation notwithstanding, we are now called upon to pass a law which shall pledge the public lands as a permanent source of revenue. Who does not see that this recommendation of the President will, in some form, be carried into effect? It will be done in one of three ways: in the mode pointed out by the President, "sold to settlers, in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts;" or in the mode provided by the bill passed last year, (now pending in the Senate,) by dividing the proceeds among the States in the proportion of population; or, lastly, by a certain summary process, supposed to be founded on State sovereignty. I cannot but express the hope that this great question will be settled during the present session, by the passage of the bill referred to. The resolutions of the Legislature of Vermont, laid on your table, indicate the course her Representatives will follow on this subject.

There is something, Mr. Chairman, in the policy of the Western States, populous as they now are, that I cannot comprehend—their desire to procure a reduction of the price of the public lands. Do the people of those States desire to reduce the value of their farms? And such must be its inevitable effect. One will decrease in the same ratio as the other. What was the effect of the reduction of the price from two dollars to one dollar and twenty-five cents on real estate in Ohio? Sir, will not the West, will not the States of Indiana and Illinois, be forewarned, that the new States which, in a few years, will be formed west of the Mississippi, will be to them what they are now to Ohio. Can the political, (I use the word in its appropriate sense,) can the political consideration of the mere increase of population be put in the scale against the consequences I have pointed out?

But, sir, on their own ground, I put it to the West; they may lay aside the hope, entertained but by few, of acquiring the public lands in virtue of the sovereignty process—I now put it to them to say, if their object be to reduce the price of the public lands, will they be more likely to attain it, by making their proceeds a part of the permanent revenues of the Government, than by dividing them among the States? They have then to determine whether they shall probably ever have an offer of a division on terms more favorable to their interest.

There is another effect of this division of the proceeds of the public lands, on which I will say a word. If made with a view to its application to internal improvement, or if that be one of its objects, it will withdraw from the General Government, in a great measure, that disturbing question.

Though, sir, I duly appreciate the immediate value of the distribution to the States, to Vermont about 60,000 annually, yet there is another consideration, from which, in my opinion, it derives its chief consequence, its tendency to sustain the union of the States, by giving them an immediate interest in the common property of the nation; and of which they shall annually be reminded, "and for remaining years to come."

If, then, the proceeds of the public lands are abstracted from the permanent revenue, there can be no occasion, at present, to reduce the imposts. We can safely wait till we have paid all our debts; we can wait till we can ascertain whether future expenditures will become necessary, from any of the sources I have indicated; and we shall learn something by experience of the operations of the act of the last session.

A single remark more on this part of the subject. As a mere question of finance, I would ask, why should this act take effect the present year? Is any reduction of revenue necessary for the year 1833?

The report states the amount of revenue, for 1833, under the bill of 1832, at	$19,530,648
Under the proposed bill	17,051,884
Proposed reduction for 1833	2,478,764
From this deduct the new taxes	1,855,025
And for this sum of	623,739

we are called on to reduce the revenue for the present year. I shall have occasion to recur to this subject again for another purpose. I shall, also, before I take my seat, state the principles on which, in my humble opinion, the revenues should be reduced.

But, sir, there is no occasion to reduce the revenue, even this sum of six hundred and twenty-two thousand dollars, the present year. The years 1831 and 1832 were years of excessive importation; according to the usual course of commerce, the importations of 1833 must be very considerably less, probably by twenty per cent.

Under the tariff of 1832, the duties on an equal importation to that of 1831 would be	$19,530,648
Deduct twenty per cent.	3,906,128
Leaving for the probable customs of 1833	15,624,520

It is stated in the report, that "the sum necessary for the ordinary operation of the Government, providing liberally for an efficient civil, military, and naval service, including the pension system of former years, need not amount to more than"	13,000,000	
To this, for the present year, must be added—		
The semi-annual pensions, under the pension law of 1832, for 1st September, 1833	875,000	
Two years' arrears of pension, to the 1st March, 1833	3,500,000	
Enlarging the expenses of our present Indian policy, custom-houses, public stores, &c. &c. as estimated in the report	1,030,000	
		18,375,000

But, sir, the amount of revenue that would accrue under the bill reported, must be considered as uncertain. It depends on contingencies. So far forth as this bill destroys our manufactures, it will increase importations of the protected articles for a year or two; but, as it tends to diminish our means of paying, it will soon diminish consumption, and of course diminish importations generally. My fear is that it will eventually reduce the revenue below the wants of the Government; and when new duties shall be necessary, it too plainly indicates the articles on which those duties will be laid—on the unprotected articles. I cannot but look upon the introduction of the new duties on the necessaries of life, coffee and tea, as the entering wedge for the destruction of the protective system.

One other consideration against reducing the duties, I will merely suggest; it arises from the present belligerent state of Europe. The signs of the times indicate but too surely the approach of a general continental war. Will its operations be confined to the land? May they not reach our commerce on the ocean? And then, sir, what becomes of your revenue from the customs? Though we may not be parties to the war, can we escape being parties in the war? So long, then, as there is no necessity for an immediate reduction of duties, does not sound policy dictate that we should wait until our foreign relations are fully developed?

I come now to what I deem a more important question—the operation of this bill on the great agricultural and manufacturing interests of the country.

In manufactures alone is invested a capital of not less than two hundred millions of dollars, which connects itself with every branch of agriculture. The magnitude of the subjects, and the immense effects that are often produced by causes apparently trivial, should induce us carefully to examine the path we tread. But, sir, the gentleman from Tennessee, [Mr. Polk,] following up the lead of the honorable chairman, has told us this is not the time to discuss the general principles of the bill; that its details should be first settled; that, by amendment, it may be made a new creature. Sir, with great deference, I think this would be beginning at the little end. How, and to what end, shall we offer amendments, unless we have some principle, some settled object in view. One assumes that fair protection should be given to the great staples, and to the manufactures of the country; another, that it should be limited to articles essential to our safety in time of war; a third, that the duties should be laid equally on protected and unprotected articles. Each will shape his amendments to the object he has in view. With what hope of any beneficial result can we proceed in such a course? It seems to me that we should first settle the principle of protection—its objects—and then, and lastly, its extent. And further, perhaps this may be the only opportunity—the previous question may be applied.

I have had some difficulty in ascertaining, with any degree of precision, what are the principles of the Government, or rather of the administration, in relation to this subject of protection. I find others in the same uncertainty. In the message I find the following paragraph:

"The protection afforded, by existing laws, to any branch of the national industry, should not exceed what may be necessary to counteract the regulations of foreign nations, and to secure a supply of those articles of manufacture essential to the national independence and safety in time of war."

These principles, if they were to be permanent, applicable to future as well as to the existing laws, would cover all the ground the most ultra tariff man could ask. To counteract the regulations of foreign nations, which, by high duties, virtually prohibit the great staples of a large portion of our country, our flour, beef, pork, fish, oil, lumber, &c., we might, by like duties, exclude their manufactures. Suppose cotton were added to the list of excluded articles; we should have no difficulties with the South. And should the British Government hereafter, to protect the products of its foreign possessions, impose such duties, or should any event prostrate the English manufactures, would not the South have some reason to regret her hostility to those of the North, and to rejoice that they had been sustained? I will not pursue the subject further. "Essential to our independence and safety in time of war," are words of extensive import. As heretofore construed by the Government, they include not merely munitions of war, but all articles essential to our comfort. I refer more particularly to Mr. Dallas's report on finance, of the year 1816.

In the same message is the following: "The policy of protection must be ultimately limited to those articles of domestic manufacture which are indispensable to our safety in time of war." The words, "indispensable to our safety," give rise to the all-important question, "What are those articles?" On the answer to this question depends my assent or dissent. Are they to be understood to be co-extensive with the former opinions of the Chief Magistrate, read by the honorable gentleman from Pennsylvania, [Mr. McKENNAN,] a few days since, and of which I avail myself? "Providence has filled our mountains and our plains with minerals—with lead, iron, and copper, and given us a climate and soil for the growing of hemp and wool—they being the great materials of our national defence, they ought to have extended to them adequate and fair protection, that our manufacturers and laborers may be placed in fair competition with those of Europe; and that we may have, within our own country, a supply of those leading and important articles so essential in war."—[Extract from General Jackson to Mr. Colman.] The sentiments contained in this extract will meet the entire approbation of the friends of the protective system. But, sir, we were told the other day that they were to be understood in a much more restricted sense; as including only munitions of war. The gentleman from New York [Mr. HOFFMAN] seemed to speak *ex cathedra*. I hope he is mistaken.

Since the message, we have received the report of the Secretary of the Treasury. Though he is not the official organ of the Executive, yet it is to be hoped that, on this occasion, he is in accord with the President. In this report I read: "This power [of laying duties] ought to be directly exerted; to counteract foreign legislation, injurious to our enterprise, and incidentally to protect our own industry, more especially those branches necessary to preserve, within ourselves, the means of national defence and independence." This seems to regard the future as well as existing laws, and seems not in perfect agreement with the last clause of the message. I next refer to the report of the committee, which accompanies the bill. The promised protection is only "in those instances where national independence, in the time of war, seemed to demand some sacrifice in peace, (as in the case of iron;) where it was thought a higher or a lower rate of duty would be of advantage to the revenue, without any individual injury, (as in regard to distilled spirits;) or where some branch of industry might be materially benefitted by low imposts on some of its raw materials," (as, I presume, in the case of wool.) I now ask, what is the precise principle? what the extent of protection to be deduced from these sources? On this subject it is important that the public should be correctly informed. It is important to the North to know on what they have to depend; that they may in time prepare to meet whatever crisis awaits them. It is important to the South that they should know what they have to hope or to fear. A resolution, now on the table, should it pass, would, no doubt, elicit the so much desired explanation.

The report adopts, as a basis, the tariff of 1816. And why, sir? With what propriety? At that period our manufactures were in their infancy; they had grown up only under the protection afforded by embargo, non-intercourse, and war, from 1807 to 1815. The uncertainty of the duration of those restrictions had been unfavorable to the investment of capital; yet, to some extent, it had been induced to adventure in manufactures. Since the acts of 1816, 1824, and 1828, those investments have increased a hundred fold; not only in the then existing manufactures, but in various new branches, affording new objects of protection. How then it could be imagined that a tariff, suitable to the condition of the country in 1816, should be applicable to 1833, I cannot conceive. You might as well, sir, attempt to put the garment of an infant upon a giant.

But the committee have given us their reasons. I will examine them. First, that "the vast increase of manufactures, of all sorts, proves—(proves what?)—proves that the protection of the act of 1816 was ample." A *non sequitur*, sir. It proves no such thing. It proves that the adventurers in manufactures supposed it was sufficient; not that it was, in fact, sufficient. That is matter of fact which depends on evidence; and what is the evidence? The issue is, whether manufactures were, in 1824, sufficiently protected by the act of 1816. Whatever might have been the suppositions, the calculations, or the hopes of the manufacturers, they were, to their loss, mistaken! I now refer to the evidence contained in this book. It is a volume containing the manufacturing statistics of Maine and Massachusetts, collected by order of the treasury. I refer to a single statement. I find many more, however, of the same character. I read from the answers of Aaron Tufts, who, I understand from those who know him, sustains a high character for intelligence and integrity. I read it not only to disprove the conclusion of the report, but to show the real condition of manufactures from 1816 to 1832.

"It will not be in my power to answer but part of your questions, the principal object of which appears to be to ascertain, from facts elicited, whether the manufacturing business is so productive as to justify a reduction of the duties on the foreign article, and still leave the domestic protected. I can answer this general question as far as it respects the woollen business, and which will apply also to wool. I have been led to watch, with great attention, the progress of the woollen business from its commencement. I was a stockholder, for about one year, in the first factory which was put in operation in this country, in 1812; and having, from that time to the present, been the owner of a large flock of fine woolled sheep. This factory commenced business with a capital of thirty-one thousand dollars paid in, and invested, the whole of which was lost previous to 1818, and the factory passed into other hands. Other factories in this country went into operation at different periods previous to 1820, which, in almost every instance, have since become insolvent, or closed their concerns with a total loss. I will instance the woollen factory in Southbridge, which closed its concerns about three years since, with a loss, as I am informed, of one hundred and eighty thousand dollars. South Leicester Corporation, about the same time, met a loss of one hundred and ninety thousand dollars. Others might be enumerated, the situation of which would be no better. These factories were owned by gentlemen of abundant capital, well acquainted with mercantile business, and under the immediate direction of practical manufacturers. I am satisfied, from facts in my possession, that, in the woollen business, in the aggregate, previous and up to the year 1824, the loss would be equal to the whole amount of capital invested. The tariff of 1824 was considered a pledge given by Government, that protection should be afforded to the industry of the country; it held out some encouragement to the manufacturer, and induced many to embark in the business; a large amount of capital was invested. Some of those who had gone into operation previous to 1824, had survived in a languishing condition, and a part of those, after 1824, were ruined by the severe pressure of 1829.

"I do not believe that those who went into operation subsequent to 1824, have made a dollar in the aggregate, though there are some few instances where, by fortunate coincidence of circumstances, they have made six per centum or more; but these exceptions have been more from mercantile operations than the regular business of manufacturing. But few dividends have been made. The following statistical facts were obtained from the owners or agents of most of the woollen factories in this country, and were taken for the year 1831, and, it is believed, are very correct. They will go far to establish the opinions I have given in the foregoing remarks.

The whole amount, in value, of woollens made in this country in 1831, is . .	$2,499,800

Value of wool consumed, - - - -	$1,518,000
All other articles, - - - -	417,724
Labor, - - - - - - -	298,562
	$2,234,286
Commissions and guaranty on sales of $2,-499,500, at 7 per cent, - - - -	174,965
Insurance, interest on capital, - - -	188,590
	$2,597,841

Wear and decay of machinery, buildings, &c., eight per cent. at least."

Here, sir, are facts not to be done away by conclusions. A manufacturer who, between 1816 and 1824, had sunk his whole capital, would be content to be told that his adventure was ill-advised, but nothing short of the restoration of his capital will satisfy him that he has not lost it. I will not read further from this book to this point. With us, sir, it needs no corroboration. What we have suffered—what we feel, we know. And it would seem to me, the committee should have been led to doubt the correctness of their conclusion, from the fact that the manufacturers were then (1824) asking for further protection. I proceed to the second reason, hardly less satisfactory: "So well does it (the tariff of 1816) appear to have been adjusted in regard to woollens, that the manufacturers of these goods, examined by the Committee on Manufactures of this House, in 1828, generally agreed that their business was in a more flourishing state under the tariff of 1816 than under the higher protection of 1824." *Ergo*, the tariff of 1816 is a proper basis for protection in 1833. Unless this conclusion is drawn, the fact has no connexion with the argument. But the fact being true, does not prove that manufactures had sufficient protection under either the tariff of 1816 or of 1824; that, also, depended on matter of fact.

But, if they considered the tendency of high duties as injurious, why did they still ask to have them raised?

There were, Mr. Chairman, some things which deeply affected the interest of manufacturers, between 1824 and 1828, to which I ask the attention of this committee. I admit, with the gentleman from New York, [Mr. Hoffman,] that one of these was the sudden rush of capital into the business of manufactures, without much skill or calculation. But, sir, this is one of the unavoidable effects of legislation; indirect, it is true, but not the less unavoidable. That cause, however, is not likely to occur again. This, however, was not the great cause of their distress at that period. Another cause affected them more deeply; the depression of prices in the European markets, produced, in part, by the competition between our manufactures and theirs. The same cause has been operating constantly since, and has reduced the price of some fabrics to the lowest cost of production.

I regret, Mr. Chairman, that the committee, in taking the tariff of 1816 as a basis, had not adopted its spirit rather than its form. That act was accompanied by a report from the then Secretary of the Treasury, which lays down a principle peculiarly applicable to the reduction of the revenue at this time.

"The American manufactures," says Mr. Dallas, "may be satisfactorily divided into three classes; allowing for such diversities of shades as will seem to render the classification of particular manufactures doubtful or arbitrary.

"*First Class.*—Manufactures which are firmly and permanently established, and which wholly, or almost wholly, supply the demand for domestic use and consumption.

"*Second Class.*—Manufactures which, being recently or partially established, do not, at present, supply the demand for domestic use and consumption; but which, with proper cultivation, are capable of being matured to the whole extent of the demand.

"*Third Class.*—Manufactures which are so slightly cultivated, as to leave the demand of the country wholly, or almost wholly, dependent on foreign sources of supply.

"The matured state of the first class of manufactures relieves the task of forming a tariff with respect to them from any important difficulty. Duties might be freely imposed upon the importation of similar articles, amounting wholly or nearly to a prohibition, without endangering a scarcity in the supply, while the competition among the domestic manufactures alone would sufficiently protect the consumer from exorbitant prices, graduating, generally, the rates of the market by the standard of fair profit upon the capital and labor employed. It is true, however, on the other hand, that, by imposing low duties upon the imported article, importation would be encouraged, and the revenue increased; but, without adding to the comfort, or deducting from the expense of the consumer, the consumption of the domestic manufacture would, in an equal degree, be diminished by that operation, and the manufacture itself might be entirely supplanted. It is, therefore, a question between the gain of the revenue and the loss of the manufacture, to be decided on principles of national policy. Under the circumstances of an abundant market, the interest of the consumer must stand indifferent, whether the price of any article be paid for the benefit of the manufacturer, or the importer. But a wise Government will surely deem it better to sacrifice a portion of its revenue, than sacrifice those institutions which private enterprise and wealth have connected with public prosperity and independence."

I shall have occasion again to recur to this report.

I now proceed to examine as to the time and manner of the reduction of the duties proposed.

In his message, the President recommends that the duties should be reduced "as soon as a just regard to the faith of the Government, and to the preservation of the large capital invested in establishments of domestic industry, will permit." The Secretary of the Treasury recognises "the necessity of adapting the proposed changes to the safety of existing establishments, raised up under the auspices of past legislation," though he does not recognise that it is founded on the faith of the Government. He says, "it arises rather from a prudent regard to the rights and interests of the whole community, than from any absolute pledge of the national faith, uncontrolled by circumstances." And, further, he recommends the reduction "to take place" (not immediately, but) "after the year 1833." But, sir, all that can be found in the report of the Committee of Ways and Means that looks to the safety of existing establishments is, that, "to guard against a sudden fluctuation of the price of goods, whether in the hands of the merchant, the retailer, or the manufacturer," they have made the reduction upon the more important protected articles gradual and progressive. The principle of protection seems to have lost strength, gradually and progressively, as it has passed down, until, in the report of the committee, it is very nearly extinct.

I will now, Mr. Chairman, call the attention of the committee to the bill, for the purpose of seeing whether the reduction, as therein proposed, is consistent "with the safety of existing establishments."

This bill proposes to reduce the revenue (taking the importations of 1831 as the basis of calculation:)

For the year commencing 2d March, 1833,	$2,478,764
For the year commencing 2d March, 1834,	2,976,554
For the year commencing 2d March, 1835,	637,953
	$6,093,271

Of this sum, the amount on wool and woollens is, - - - - -	$2,584,017
And on cottons, - - - - -	2,812,862
	$5,396,879

It is obvious that this bill is directed against these two great branches of manufactures.

The proposed "gradual and progressive" reduction on wool is from about sixty-two per cent. (the average duty under the act of 1828, now in force,) to thirty-five per cent., commencing on the 2d March next; to twenty-five per cent. on the 2d March, 1834; and to fifteen per cent. on the 2d March, 1835. Thus, in less than fifty months, reducing the duty from sixty two to fifteen per cent.; and this in the face of an importation, in the year 1831, of over four million three hundred thousand pounds of fine wool. Are the committee aware of the advantages against which we have to contend? the low price of lands, the low price of labor, and the immense European capital. If, sir, it is the policy of this country to reduce the price of our labor to that of the serfs of Europe, then this bill, I admit, is a very proper one to effect that purpose.

The proposed reduction on woollens is, from the minimum duties of 1828, equal, as protection, to an average of at least sixty-five per cent.; to forty per cent. on the 2d March next; to thirty per cent. on the 2d March, 1834; and to twenty per cent. on the 2d March, 1835; to twenty per cent. nominally, but, in fact, as protection, to only twelve and a half per cent, wool constituting one-half the value of the cloth; the twenty per cent. protection is charged with the duty on the wool, equal to seven and a half per cent.; which, deducted from the twenty per cent., leaves a nett protection of twelve and a half per cent. only—a protection not sufficient to guard against even the surplus importations of Europe. And, sir, can the gentleman from Pennsylvania [Mr. Gilmore] be satisfied with this, though satisfied with the retained protection on iron?

I will here attempt to relieve the manufacturers from a dilemma, in which they are supposed by some to have been involved. They oppose the reduction of duties on protected articles, because it reduces their price. They advocate protecting duties for the same reason, that they reduce prices. This is said to be blowing hot and cold. Not so, sir; they contend for the one, as an immediate effect; for the other, as an ultimate effect. The fallacy consists in referring the effect of reducing and of increasing duties to the same point of time. Whoever contended that, if two merchants import goods on the same day, the one duty free, the other paying ten per cent., the former cannot undersell the latter by precisely the rate of duty; or that, if foreign goods are now imported at a profit, paying duties, if the duty was repealed, they might not be imported at the same profit, at a price precisely less than the duty? This, sir, is the immediate effect of a reduction of duties; but the ultimate price must depend on the relation between supply and demand. If a foreign nation alone afford the supply, we are daily liable to the fluctuations of her markets. If our demand increases, high prices are the only inducements to increase the supply. Suppose we had had no manufactures on this side the Atlantic, and our consumption had increased as it has since 1816, we must have paid more in high prices, than we now have paid for the protection of our manufactures. What has been the effect of our manufacturing establishments? To increase the supply in this country. Whatever has been manufactured here has excluded the same amount of British manufactures. The amount, thus excluded, is returned to her own markets, already fully supplied; the effect is to reduce the price of the whole stock in market. At these reduced prices, their manufactures again come in competition with ours, and ours in competition with each other. The prices are thus depressed in our markets: this, and our increasing the supply, again react on the foreign market, and this action and reaction continually operate, until prices are brought down to the lowest rate of profit on the cost of production. In the article of coarse cottons, this action and reaction have produced their ultimate effect. It is now admitted that we make that article as cheap as any foreign nation; that we export it, and are able successfully to compete with all the world in foreign markets. And this is the tendency of protection in all our manufactures.

We are then asked, in a tone of triumph, why do we oject to a reduction of the duties on coarse cottons? I retort the question. Why reduce them? What good do you propose to gain? But I will not content myself with this retort. The sufficient answer is, that the manufacturers of coarse cottons have nothing to fear from fair trade; yet they have much to fear from the fluctuations of prices, which may be produced by the importation of the surpluses of foreign manufactures. Sir, a single fact will illustrate the case better than an argument. A shipment of white lead was made from England to Boston, with orders to sell at auction; the American article having stocked the market, the sale was stopped, and new orders asked; they came (and with another cargo,) to sell for the most they would bring—though greatly under the cost of manufacture. What is the explanation? Extensive manufacturers cannot stop their works, nor accommodate them precisely to the state of the market. In this case, there was an overstock of the English market; the surplus reduced the value of the whole; they would rather sell it at any price, than suffer it to remain in their own market. On the extreme of this principle, the Dutch destroyed their pepper.

The next inquiry is, whether agriculture and manufactures can bear this, or any reduction, without endangering their safety.

The question of reduction of protection was very carefully examined in this House, six months ago; and the reduction then made, as far as was deemed safe. What evidence has been afforded since that time? What new lights have the committee given us? During the present session, a resolution passed, requesting the Secretary of the Treasury to send us a comparative statement of the rates of duty under this bill and former acts, that we might know the full bearing of this bill. No answer has been returned. During the last year, the Secretary of the Treasury appointed agents to ascertain the state of the various branches of manufactures. The returns were made during the last session, and ordered to be printed. A day or two since, I obtained from the printer one volume, of only five hundred and seventy-six pages, containing the statistics of Maine and Massachusetts only, before referred to. These the House have had but little or no opportunity of examining. But, sir, so far as I have been able to examine them, they contain no evidence that would authorize the opinion that the duties could be safely reduced at this time; but much to show they were none too prosperous under the protection of 1828. How they would succeed under that of 1832, remains to be ascertained, unless we overleap it in the desperate plunge proposed by the committee. I shall have occasion to recur to this document. I will first, however, dispose of a piece of testimony introduced by the gentleman from Tennessee, [Mr. Polk.] It is a tabular statement of the manufactures of Vermont, returned last season by a treasury agent. The gentleman read from the page "Windsor county" (in which I reside) the following:

	Fixed capital.	Active capital.	Profit 1831.	Profit for three last years.
Woollens.				
Moulton & Cummins,	7,000	15,000	40	40
Sturtevant, -	3,500	5,467	33	33
Gookin, - -	3,500	5,467	33	33
J. Downer, - -	22,000	38,000	15	15
Cottons.				
J. Lyman, -	25,000	20,300	21	21

And here, as to woollens and cottons, the gentleman stopped his reading. The impression which the committee received was, that this exhibited the state of the profits of the woollen and cotton manufactures in the State of Vermont; and the gentleman noticed the impression by the remark, that the statement "produced a fluttering." I confess in me it created emotions of surprise and of pleasure—surprise, that I had been so ill informed of the state of manufactures in Vermont—of pleasure, to find them in so prosperous a condition. Sir, with your leave, I will cross-examine the witness—the paper. And the first question is, has it testified to us the whole truth? Its answer is, no; it has only answered such questions as have been asked. On the very same page, under Windsor county, I read the following:

	Fixed capital.	Active capital.	Profit 1831.	Do. 3 y'rs preceding.
Woollens.				
N. B. Hazen, -	7,000	21,000	12	12
Kidder & Nichols, -	20,000	39,000	8	8
Perkinsville Co. -	30,000	38,000	4	4
On another page,				
J. Sherwood, -	——	1,000	4	
Cottons.			-	
Marshals, - -	60,000	40,000	6½	
C. W. Root, -	2,000	3,000	5½	
N. Wood, (wicking)	2,000	1,500	12½	6
H. Warren, -	36,000	21,000	7	7

This is the whole truth, on the paper.

I have a word to say, however, as to the first statement read by the gentleman. The cases of Sturtevant and Gookin are one factory, put in by each partner; this mistake appears on the face of the paper. This factory works not on its own account, but under a contract. Such is my belief. With the operations of the first (Moulton and Cummins) I am unacquainted. I hope its profits are not overrated. I should like, however, to see how the account is made up; whether the agency of the owners, loss by bad debts, insurance, wear and tear of machinery, &c. are taken into the account. I have inquired for the original statements, but have been unable to obtain them. In relation to the cotton factory, set to J. Lyman, within my knowledge it is all a mistake. In 1829 the factories of J. and E. Lyman were both (a large brick and a small wooden one) sold at auction, (the machinery all being taken out,) at 14 or 15,000 dollars, to J. Lyman. The brick factory was not in operation when this tabular statement was made—(May, 1832.) The wooden factory was put in operation under a lease in 1830 or 1831; and yet these are represented as having a capital of 45,000 dollars, and having netted a profit of 21 per cent. for the three years preceding 1831. Nor can I any better account for the general uniformity of the rate of profit of the last three years, contrary to the known fact. How this statement found its way into the paper, I am unable to say; but I will exculpate the person who signed it, the late Mr. Bayley, a man whose integrity no one ever questioned. He did not collect the evidence, but only collated it. From the result of this examination, I shall receive, and I think this committee ought to receive, with distrust, selected portions of evidence from these reports of the treasury agents.

The gentleman has hazarded, I think he used the word, has hazarded the opinion that the wool growers have not been benefited by the protecting duties; that the prices have not been raised by them. Sir, I wish, as he was using the paper as evidence, he had read the concluding paragraph of Mr. Bayley's report. I will read it: "The price at which wool has been sold has been greatly increased, and perhaps doubled, since the year 1828, and the increase of price is to be attributed chiefly to the tariff of that year."

I have examined this book, as far as I have had leisure to do, in part only, I have found nothing to warrant a reduction of duties at this time. I believe the average profits in the woollens for the last three years will not be found to have exceeded seven per cent., as stated by Mr. Tuft, nothing for 1829, fifteen per cent. for 1830, (a single profitable year,) and six for 1831. What they are entitled to is a fair permanent profit and no more; short of this they cannot be sustained, without pressing down the price of labor, and of the raw material, the fruit of labor. If the laborer will consent to reduce the price of his labor, and if the wool grower will consent to reduce the price of his wool, the manufacturer can consent to a reduction of protection; but whatever shall reduce the manufacturer below fair profit, must in the end be brought home to the laborer and the farmer. We are embarked in one inseparable interest.

Am I understood to say "that manufactures can bear no reduction of duties?" Sir, I should be very glad to know that they can. But what I mean to say is, that I have no evidence on which I can, at this time, act; and without such information, the stake is too large, the hazard too great. The interest involved in the wool growing and manufactures of wool cannot be less than 175,000,000 of dollars, extending throughout the Eastern, Middle, and Western States. Some of the consequences of breaking up this great interest, and manufactures generally, are faithfully described in the document before me, (No. 308.) "The effect is obvious to the most superficial inquirer. What must men do, when thrown out of employment? Seek a new one. Now every branch of business being stocked with laborers, recourse must be had to the land. A great many must be satisfied with what they can produce therefrom. Flax must be raised, and substituted for cotton: enough of wool must be raised for the consumption of each family; and no more will be wanted, as there will be no purchasers. They must make their own clothing, not having the means of purchasing, in consequence of being thrown out of employment. Notwithstanding cotton and woollen goods can be purchased for less than they can manufacture them, necessity will compel them to clothe themselves from their own productions. Real estate in seaport towns and villages would fall very much: in manufacturing villages it would be worth little or nothing. Trade would diminish generally to an extent little apprehended by those who have not examined this subject. And the shipping interest would suffer exceedingly. In proportion to the extent of breaking up manufacturing establishments, these effects would be felt."—(Letter of James Horton.)

I come now, Mr. Chairman, to the examination of a feature in the bill more exceptionable than any one to which I have alluded, affecting immediately, and most fatally, in my opinion, not only the existence of the existing manufacturing establishments, but the whole commercial, and, indeed, every interest in the country.

This bill proposes to reduce the duties on woollens ten per cent. from the tariff of 1832, (not yet in operation;) but from the tariff of 1828, (now in force,) the reduction of protection will be more than twenty per cent.; and this to take effect on the 2d of March next—in less than forty days. What must be the immediate effect on the price of goods when this act shall go into operation? That will depend on the relative supply and demand at that time. British policy will induce an increased importation of woollens: this, with the excessive general importations of 1831-'32, must produce a pressure of the money market. What the immediate fall of price will be, cannot be calculated with certainty; but, suppose it to be only ten per cent., how will this affect the manufacturer? As a reduction of ten per cent. on the whole amount of his sales. The economical manufacturer turns his active capital from two to four times a year. Suppose, then, on a capital of one hundred thousand dollars, he is making a profit of twelve per cent., or twelve thousand dollars; if he turns his capital three times a year, to enable him to obtain this profit, his sales are three hundred thousand dollars annually. Strike off ten per cent. of all these sales, or thirty thousand dollars, and, instead of making a profit of twelve thousand dollars, he loses eighteen thousand dollars. If he turns his capital only twice a year, he loses eight thousand dollars. This would end the case with the manufacturers. But the evil will not stop there. The manufactures are connected with the moneyed institutions of the country. A vast business is done on credit. The relation of debtor and creditor now becomes of fearful import. Sir, what is the amount of that relation? Not less than one hundred millions of dollars, in which the manufacturers are a party; not less than five hundred millions of dollars, in which all the other interests are a party. How are the manufacturers to meet their responsibilities? By a sale of their manufactures at a loss at once of ten per cent. certain, and, when the pressure is at its height, at auction prices, where many are sellers and few are buyers. And yet this is but one side of the picture of distress. How are the merchants to meet the payments for the excessive importations of 1831-'32? Nothing more certainly follows than scarcity after plenty; than a press on the money market after years of excessive importation. How, I say, are these imports to be paid for? We have no public stocks, or bank stock to remit as formerly; the current on those scores sets the other way. The great Northern staples are prohibited; but there is cotton left. How is the North to pay for cotton? We must then first settle our exchange account; draw for all the balances due us. But this is now but a small affair. What is the next and only remittance? Specie. And what is the state of specie out of the vaults of the United States Bank? (and that, in the payment of the public debt, and remittance of its dividends of capital stock to Europe on winding up, will probably have enough of its own concerns on hand.) Take a single State. From the late returns of Massachusetts, it appears that it has a banking capital of twenty-four millions of dollars, and less than one million in specie. Are they better off elsewhere? What must be the result, when every dollar of debt shall require two of present value to pay it? An inability of debtors to meet their contracts to the banks, and an inability in the banks to meet their bills in specie. In this relation the whole mercantile interest, the whole relation of debtor and creditor throughout the country, becomes involved. Let the banks of one city stop specie payment, it will extend through all. Recollect the effect of the panic in 1828-'29, caused by merely calling for eight hundred thousand dollars for shipment. In 1825-'26, the failure of two or three large banking houses in London extended through England, Ireland, and Scotland, and occasioned the bankruptcy of over eighty banking houses, and more than fourteen hundred mercantile and manufacturing establishments. And then, sir, how is our reduced revenue to be collected? As in other times, in the depreciated currency of the different State banks.

One word more: Whether we lay or repeal duties, we have usually to indemnify the importers for the losses occasioned by our legislation. I would ask them if they should not now provide for their own safety. They will have, on the 2d of March, an immense amount of goods on hand, on which they will have paid, or be liable to pay, the duties of 1828 or of 1832, I do not know which. Let them now see to their rights, and not hereafter call on the Government to relieve them from injuries brought upon them by their own representatives.

I have thus far examined this bill in relation to its bearing on the revenue, and the agricultural and manufacturing interests of the country; and I now proceed to consider it in the only light which presents, to my mind, the least possible apology for its passage—as a peace-offering to the South.

I approach this branch of the subject with no feeling of hostility to the South. I wish not to add fuel to the flame. I shall, therefore, forbear many remarks that might seem warranted by the occasion.

What, sir, are the complaints of South Carolina? What her demands? What the remedy she has chosen? What the effect of the passage of this bill? And what may be effected by other measures?—are questions now pressed upon our consideration.

South Carolina complains of our protecting tariffs, as unconstitutional, and as oppressive.

As unconstitutional. I consider this question as settled, if any constitutional question can be settled, by the uniform action of all branches of the Government, from 1789 to the present time.

As oppressive. This, sir, is a question of fact; and I ask for the evidence. Satisfy me that the South bears an unequal proportion of the public burdens; that she pays more than her portion of the taxes to the treasury, and she shall have my vote for relief. I am unwilling to take fine-spun theories for facts. I have never been able to understand the new principle of political economy, that duties on imports are a tax on exports, nor its application to the South. To me it has appeared certain that the tariff can prejudice the South in one of two ways only, by depreciating the value of their produce in its market, or by obliging them to pay a higher price for the articles they purchase with the proceeds. I do not understand that the first is contended: in some, and no inconsiderable degree, the reverse is the fact. So far as the consumption of her produce in the manufacturing States has increased the demand, it has increased the value. If they sell for as high a price, it would seem they can sustain no injury so long as the proceeds are retained in their hands. It must be, then, as consumers that they are injured, if injured at all. The first question is, do they consume more of the protected articles than other sections of the country? And the second is, are the prices of the protected articles higher now than they would have been had the protective system not been established? These, I repeat, are questions of fact, and, as such, I am willing to meet the evidence, and to abide the result. Let the account be taken; let us compare the expenditures of the North and the South; let us ascertain the effects of the protective system, of foreign and domestic competition; of domestic competition with itself; let us ascertain what is justice, and then, sir, in the language adopted by the honorable chairman, [Mr. VERPLANCK,] we will "be just and fear not." Justice was formerly painted blind, but, on the front of this capitol, the bandage is torn from her eyes. And why, sir, in this hall, should she be blind, or have only one eye, one ear? Why look only to the South? Why hear complaints from that quarter only? Why, in attempting to relieve one part of the Union, should she not turn to see the distress she may be inflicting on every other portion? And is this bill the measure of justice?

What does South Carolina demand? As a concession she will "consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue shall be raised than is necessary to meet the demands of the Government for constitutional purposes; and provided, also, that a duty, substantially uniform, be imposed on all foreign imports." And also, "provided we are met in due time, and in a becoming spirit, by the States interested in the protection of manufactures." Thus far, as concession. Of right, she demands that "the whole list of protected articles should be imported free of all duty; and that the revenue derived from import duties should be raised exclusively from the unprotected articles; or that, whenever a duty is imposed upon protected articles imported, an excise duty of the same rate should be imposed upon all similar articles manufactured in the United States."

I am unwilling to take any thing by concession. I am willing to do justice; but, sir, this offer of concession is accompanied by conditions. South Carolina retains to herself the right to determine the constitutionality of the purposes for which the money is raised, and her concessions are to be met in due time—the 1st of February, I suppose, and in a becoming spirit. I forbear to express the feelings which these conditions have excited; but, as a reply to the demands of South Carolina, I quote from the late message of the President: "The majority of the States and of the people will certainly not consent that the protecting duties shall be wholly abrogated, never to be re-enacted at any future time, or in any possible contingency."

As a remedy, South Carolina has resorted to nullification. She has declared our revenue laws void, and threatens, at every hazard, to maintain the ground she has taken

The late proclamation and message of the President have relieved me from the necessity of discussing the doctrine of nullification. I leave it where the President has placed it.

In this state of things, the Committee of Ways and Means have presented this bill as an offering, a peace-offering, to nullification. Will it be accepted? It does not meet the demands of South Carolina. It contains, at least, the form of protection, certainly the substance as to iron. It does not come down to the required level of "an equal rate of duty on all imports." And South Carolina has taken her stand on that point, (but only on that, as a concession, and for the present,) her unalterable stand. "Our resolve is fixed and unalterable, that a protecting tariff shall no longer be enforced within the limits of South Carolina. We stand upon the principle of everlasting justice, and no human power shall drive us from our position." Can this act, then, be satisfactory as "a system of finance for many years to come?"

It has been said, not in this House, but elsewhere, that the passage of any law which shall repeal the tariffs of 1828 and 1832, would virtually repeal the ordinance of South Carolina. The first answer is, that this affords no argument for the passage of this bill. But, is this meeting or evading the difficulty? If we must meet the question, why not meet it now? Shall we ever be more united or better prepared? Is it seriously proposed to abate (in law language) the ordinance of nullification by the passage of this bill? Is the question merely to be postponed until the convention shall meet and nullify another tariff? Then your course, to be consistent, would be, at the next session, to pass some other abating tariff, and a third nullification would follow. Having given up a part this year, we should feel less attachment to the little left. We could not stand, sir, the third process. There is but one aspect in which the South can look at this bill with favor; that is, in view of the consequence to which it eventually may lead. They may calculate that, if they now break down the woollens, the woollens will join them in breaking down the iron interest; and that, with their aid, they can, and at no distant day, prostrate every remaining protected interest; and thus, by dividing, conquer. Is this the prospect, is this even the hope, that any friend of the protective system is willing to hold out to the South? Sir, let us not deceive them, let us not deceive ourselves.

Am I asked, then, "Will you yield nothing to conciliation?" I trust I duly appreciate the crisis; no one can more ardently wish to see harmony and good feeling pervade every portion of our country. No one feels a colder chill at the thought of the necessity of enforcing obedience at the point of the bayonet, or shedding the blood of a brother. In this spirit, then, I answer, I will yield every thing, I had almost said, but destruction.

Am I asked, "Will you not yield the principle of protection to the Union?" I answer, that I do not think the question is now presented by the state of the controversy. South Carolina, enfeebled by her own divisions, &c.; without the expected support from the neighboring States; the whole country almost unanimous, at least north of the Potomac, in support of the decided and energetic measures adopted by the Chief Magistrate; South Carolina alone against the Union! Sir, unless madness rules the hour, she will pause, reflect, and retrace her steps. I consider the Union safe, nullification as dead.

If, however, the question is still pressed, Will you not sacrifice the protecting system to union? All the answer I can now give is, that I will consult my constituents.

I have said that I would yield much to conciliation; and I will now point to a course which, in my opinion, ought to be satisfactory to the South; much more so than the passage of the present bill, if that, in the language of the report, is to be the "basis of a permanent system of finance for many years to come."

In the first place, let the expenditures of the Government be reduced, as far as is practicable and safe. For this purpose, let there be a thorough examination in every department of the Government. Let us, in the next place, ascertain the state of agriculture, manufactures and commerce, in every section of the Union, their extent and nett profit. We have collected a mass of statements, not yet laid before the House, that would be valuable; but I do not ask the House to act on the statements of persons in interest. If necessary, let a commissioner be appointed in each State, or, if you please, in every congressional district, authorized to take testimony on oath. When you have ascertained the wants of the Government, and the real condition of the country, you will be able to do justice, understandingly, to every section of the country. Is it not hazardous, is it not dangerous, is it any thing short of tampering with the great interests of the country, without such examination, without such evidence, to undertake to unsettle the policy of the country? We shall then be enabled to adjust a tariff to the condition of the country; and I should hope the great interest in the Northern, Middle, and Western States might be preserved without injury to the South. I will now, sir, suggest my views of the principles on which the tariff should then be reduced to the wants of the Government.

The first principle is contained in Mr. Dallas's report, to which I have already referred. It is this: that, on all articles which are wholly, or almost wholly, supplied by our manufactures, the duties should, in effect, be prohibition. I refer to that report for the reason—the consumer cannot be injured by it. The second principle would be to lay such duties on articles extensively manufactured in this country, as shall secure a fair and reasonable profit, and no more, for the purpose of enabling us to command all the necessaries of life, which our country can produce, at all times; or, in other words, to render us independent of foreign nations. If we wish to be so in times of war, we must be so in times of peace. And, thirdly, with a view to this protection, we may admit, free of duty, all articles of general consumption which are not the product of our country.

If, on the adjustment of a tariff on these principles, it should be found to bear heavier on the consumption of one section of the country than another, such alterations must be made, from time to time, as shall do justice to all. In the act of 1832, the duties on articles principally consumed in the South were reduced by a large amount; and when the operation of the system is ascertained, other changes of the same character may be made. But suppose the necessity of a reduction of revenue at this time be admitted, it is somewhat strange that the committee had not adopted, as a basis, the tariff of the last session; and as the principle, a pro rata reduction: a basis and a principle far less exceptionable than any that could be taken from the tariff of 1816.

Sir, I cannot bring myself to believe that it is the desire or the interest of the South to destroy the great branches of Northern industry; that, in asking, they, in turn, will be willing to make some sacrifice; but, sir, justice, mutual justice, is all we ask, and it is all they have a right to claim.

I now again ask, is the bill before us the only plan of conciliation that can be offered, and accepted? And can we offer it in good faith as a system by which we can or will abide?

I again ask, which is best calculated to effect a permanent settlement of our difficulties, and to restore harmony to the country, this bill, or a settlement of the tariff on the principles I have suggested? To me, this bill seems, if not a wanton, at least an unaccepted, an unavailing sacrifice of the great interests of one section of the Union to the attitude of defiance assumed by another. In no point of view, can I recognise the necessity, the expediency, or the policy of its passage. I have, sir, said many things I did not intend to say, and I have omitted many things I intended to have said: but, though I have not exhausted the subject, I have exhausted myself.

Mr. WILDE next rose. He begged permission, before he proceeded, to correct a misapprehension which might naturally arise from an observation of the honorable gentleman from Massachusetts, [Mr. Appleton,] respecting himself. That gentleman had referred to the journals of the 14th Congress, to tax him [Mr. W.] with inconsistency, in voting against a proposition to reduce the duty on brown sugar from three and a half to two or two and a half cents. The price of the article was then from sixteen to nineteen cents, and the duty he voted for as a revenue duty was twenty per cent. The honorable gentleman could have found a more just and recent cause of complaint against him. As a member of the Committee of Ways and Means, at this very session, he had voted for reporting a bill, in which the same article, now valued at about five cents, was proposed to be charged with a duty of two cents, or forty per cent. His apology was to be found in his unwillingness, by sudden changes, to ruin large bodies of men, in his attachment to the union, the harmony, and the happiness of his whole country. Which was strongest, his love of peace, or the gentleman's love of justice? This sample of their fabrics would enable the committee to determine.

A short time since, he had urged the observance of a sound legislative rule—majorities vote, minorities talk. It might seem, as sometimes happens to better men than himself, there was some slight disagreement between precept and example. In reality it was not so. He had the ready justification of a politician's *alibi*—a change of circumstances. He had been in the majority, and he voted; he was in the minority, and he talked. Properly understood, and a proper understanding, was indispensable in all things. He was perfectly consistent. Yes, sir! said Mr. W., we were in a majority; it was not contested. We are in a minority. How does it happen? Has our majority thawed away under the melting breath of Executive pleasure? Has it been dispersed, like a nullifying mob, by the President's proclamation? Have we been routed by the Siamese twin-logic of the gentlemen from Connecticut, [Messrs. Ellsworth and Huntington,] or the more powerful lungs of the gentleman from Pennsylvania, [Mr. McKennan?] The inquiry may not be wholly uninteresting to a portion of the people of the United States. If the motion of the gentleman from Connecticut [Mr. Huntington] prevails, this bill is defeated. In the present temper of the committee, it must prevail. In the Committee of the Whole on the state of the Union, we cannot have the yeas and nays. We cannot catch the eels in the gill-net; and as the people of the South will be unable to imagine why such concessions, as they thought were offered, should be refused, he felt it to be his duty to assist their inquiries.

He considered this, in effect, a proposition to continue the present tariff, for the purpose of carrying on the war against South Carolina. The merits of the controversy were best summed up by the pithy saying of an Eastern manufacturer: of what use is the Union without the tariff? and what good will the tariff do us without the Union? The proposition to the South, then, is this: "You shall pay taxes for the conquest of South Carolina." Now, sir, said Mr. W., I put it to your candor to say, if we are to fight for manufactures, whether the manufacturers ought not to pay the expenses of the war. So far as his voice went, they should do so. He would not vote a man a musket for any such purpose. But there was something still more extraordinary. The high tariff party of the North and East say they pay an equal, or greater portion of these taxes; and they only ask for the poor privilege of being allowed to tax themselves for the protection of their own industry! And so, sir, they mean to fight us for the right to tax themselves, and insist that, in justice, we must pay the cost of the campaign! Compared with this, Dr. Franklin's Frenchman, with his poker, was mild and reasonable. Mr. W. said he put this proposition, not to South Carolina—she had decided; but he put it to Virginia, to North Carolina. Who says she sleeps when liberty is in danger and Nathaniel Macon lives? He put it to Georgia, to Alabama, to Mississippi, to Tennessee, to Kentucky. All had an interest in the question; and he reminded all, "*Tua res agitur paries cum proximus ardet.*" South Carolina says she will endure this system no longer. If you insist on ruining the concern by your dishonesty and extravagance, she asks leave to withdraw from the partnership. You say she shall stay and be ruined; and if she will not, you ask us to help you to blow her brains out! O, most holy Union, which must be preserved by cannon and bayonets! Happy republic! by the grace of God and gunpowder, one and indivisible! Shall we not head our bulletins like revolutionary France, when, in an ecstacy of affection for all mankind, she proclaimed fraternity or death! May we not say with her poet, the keenness of whose epigrams nothing can equal, but the instrument which would have rewarded him had he been discovered,

> "O, le bel age, quand l'homme dit a l'homme,
> "Soyons freres!-ou je t'assomme!"

He begged pardon of the House for his bad French; at least his bad pronunciation of it. If they knew under what circumstances his little knowledge of the language was acquired, they would excuse him. He would not venture to translate, mindful of the proverb;* but a free version, adapted to the times, might read,

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* Tradottore, traditore.

"O, blessed age! when loving Senates vote,
"Let us be brothers! or I'll cut your throat!"

Ay, sir, redress is refused, secession is denied, oppression is continued, and the sword of the Federal Executive is to be flung into the scale of the Federal Judiciary! Discordant concord and perpetual union are proclaimed by sound of trumpet, and upon pain of death. Perpetual union! on such terms, it is the Dutch innkeeper's universal peace! When the amiable enthusiast, whose memory Paul and Virginia would preserve when his philanthropic visions were forgotten, published his proposal for pacifying the world, mine host seized on the idea for a new sign. It was inscribed, indeed, "*A la paix universelle;*" but the design was—a churchyard! Such was not the peace of the peacemakers to whom the benediction was given. It was not the peace of God, or the peace of freedom; it was the peace of those described by Tacitus:

"Solitudinem faciunt, pacem appellent."

But it is said, what other course than coercion is left us? South Carolina has nullified all tariff laws, whether for revenue or protection. If we pass this bill, will she not nullify it also? Will it satisfy her? Mr. W. said he had no authority to speak for South Carolina. If he could say it would be satisfactory, he should be cautious of doing so. For that very reason it might be unsatisfactory to others. This was one of the instances in which Fontenelle's maxim applied; if you have your handful of truth, do not open more than your little finger. Thus much was certain. The bill by no means concedes all that Carolina claims as a matter of strict right; but it may present terms which, for the sake of harmony, she would accept. At all events, it suspends the operation of her ordinance, if we pass it. On this point there seemed to him to be an erroneous impression. Nothing could be clearer than, if any law passes, the convention must be called again; and in the mean time the law operates. If the law afforded even reasonable hope of a return to juster councils, could it be doubted that South Carolina would pause? Upon the passage of this bill, or one similar in principle, depended, he believed, the peace and integrity of the Union. If it was lost, he repeated, the people of the South should know how, why, and by whose fault it was lost. If the responsibility rested on their representatives, they would hold them to a strict account. If on others, they would learn to distinguish between real and pretended friends. How was the present measure brought forward? Mr. W. adverted to the President's message at the beginning of Congress, recommending, in strong and plain terms, a modification of the tariff. Has he, asked Mr. W., at any time advanced other opinions? Has he esoteric and exoteric doctrines? Was any gentleman authorized to say the President did not desire the passage of this bill, or at this time? He would yield the floor for such a sentiment. No. There was every indication that he desired it should pass; that it should pass at this session, speedily, at once.

Next in its official importance, on questions of revenue, was the opinion of the Secretary of the Treasury. This was well known from his annual report, and his communications with the Committee of Ways and Means and the Committee on Manufactures. He spoke of public and official transactions, not of conversations, secret or confidential. There were none such. If there had been, he trusted he knew better what was due to the sanctity of social intercourse, than to violate it voluntarily. Nor would his vanity, if he had been the depositary of a State secret, the first, and, no doubt, the last, he would have been trusted with, have induced him to hint at the important and mysterious character of his charge. He spoke of matters open and avowed; of things authorized to be communicated, and, in fact, stated to the House by the chairman of the Committee on Manufactures, [Mr. Hoffman.] He was warranted, then, in saying that the bill had the approbation of the Secretary of the Treasury; that it would give the necessary amount of revenue, without, in his opinion, leaving any inordinate excess, or destroying the manufacturers. The character of the Secretary was a guaranty that whatever he uttered he believed. He [Mr. W.] was no eulogist; but when he had occasion to speak of any man, he would do equal and exact justice. No; he retracted that expression; equal and exact justice was beyond the power of man. But he would do his friends a little less than what he thought justice, that he might not flatter them through partiality; and his adversaries somewhat more, that he might not censure them from prejudice. Whatever else the Secretary was, he did not want civil courage. On that floor, where Mr. W. had known him best, his opinions, right or wrong, were always boldly avowed and manfully defended. Had he changed since then? Would any one assert it? Was there any one there who would hazard the assertion that Louis McLane ever wore two faces, uttered a falsehood, or betrayed a friend? There could not be attributed to him, therefore, any more than to the President, two sets of opinions, private and public.

Who else was there, then, whose views of this matter could be supposed to exercise a material influence on the fate of the bill? The Vice President elect? Is not he, too, said to be in favor of the reduction of duties to the revenue standard? Is not he, too, desirous that a bill should pass for that purpose at this session? We have the strongest assurances that it is so. But the age is sceptical, and demands proofs. The position of this gentleman is in many respects critical and full of difficulties. Far be it from me to add to his embarrassment. But at this time, and on this subject, there can be no faltering. His past conduct in relation to it is not clear from ambiguity. The temptations that beset him are strong. What then? Truly, great men are ever greatest in the crisis of their fate. Noble and generous spirits rise with the danger, and are equal to the emergency. In this he is confidently affirmed to be with us; but I warn some of his friends who have been with us, but who are with us no longer, that the best evidence, perhaps the only evidence, which the South will accept of his sincerity, is their votes. To them, then, I appeal; to them I address myself. Of what use is it to speak to the high tariff men of the House? the opponents of the administration, and yet the advocates of coercion. Their choice is made, their sanguinary purpose uttered. To whom, then, but to our political friends shall we look in the day of trial? Where else shall we ask aid? where else can we find hope? To them I turn, not to exhort, I have no vocation; not to lecture, I am no professor; but to expostulate, as friend with friend. Until recently we stood in the same ranks, fighting the same battles, struggling against the same adversaries, acknowledging the same leaders. If they now waver in their faith or courage, may we not, without offence, entreat them to stand by us in this our last great danger? Is it not due to them, as well as to ourselves, that our thoughts of each other should be expressed frankly, but not bitterly? If we have come to the point at which we can no longer act together, without the violation of some duty, or the abandonment of some principle, let the fact be avowed and the motive admitted. Thus, and thus only, if we must separate, can both escape reproach, and hereafter neither can complain of being deserted or betrayed. I invite them, then, to examine the strength and weakness of their own position. The circumstances under which the bill came forward, had already been adverted to. All the auspices, whether of men or days, were happy; all the omens favorable. Who could be better fitted for a work of conciliation than his honorable friend from New York? [Mr. Verplanck.] Where could we look for so much zeal, tempered by so much prudence, and, above all, for sincerity unsullied by a doubt? The very sun shone forth upon his bill at the moment of its first reading; and, in its earlier stages, it was borne along by triumphant majorities, composed in part of the very gentlemen to whom I now especially address myself. By whom is this destructive motion made? By an avowed advocate of the high tariff and restrictive system; by an ardent opponent of the present administration; by a determined adversary of the favorite and leading politician of New York.

By whom is it supported? By the most resolute and unwavering enemies of State rights, the doctrines of Jefferson, and the republican school of politics.

For what purpose? To destroy the bill. The object is not concealed; on the contrary, it is distinctly announced. When I said to the gentleman from Connecticut, [Mr. Huntington,] the other day, that, according to his argument, the bill would not give us revenue enough, and his motion went to reduce it still more, he felt the force of the objection. What was his reply? "True, but the gentleman from Georgia must be aware that the motion, if successful, will be followed up by others to raise other duties, and thereby to get the increase of revenue required." In plain terms, tea and coffee must be made free, that wool and woollens and cottons may be subjected to prohibitive duties. The gentlemen to whom this appeal is made, hold the fate of the bill in their hands. If this motion succeeds and it will succeed if they support it, the bill is lost. Will they bear with me while I hazard some conjectures on the consequences? I have no gift of prophecy. I possess no powers, and employ no instruments, of divination, other than such as are common to every one of ordinary sagacity; but what will be, must spring from what is, just as what is must have proceeded from what has been. To transmute the past into the future, is the true alchymy of intellect. Let us see what we can extract from the alembick.

The first and least evil which may proceed from the defeat of this measure, if the blow comes from the quarter which threatens it, will be to throw the power of settling this vexed question into other hands. Is this an imaginary danger? What says the horoscope? Are there no starry influences; no impending planetary conjunction or opposition, boding evil to the great and little politicians of the North? May not Hesper regain the ascendant? In phrase less mystical, is it not a law of power that majorities divide, and minorities combine? If the North and East coalesce to support the principles of the proclamation, may not the South and West, to whom they are less acceptable and familiar, unite to resist them? And what can be fairer or more natural? If the giant and magician conspire, how can they be defeated but by nullification and Old Harry? Peace is a gift too precious to be rejected, come from what hands it may. The country must be saved, let who will save it. A civil war must be prevented, whoever is pacificator. The power is in the hands of my friends. It is the first wish of my heart that they should use it. I invoke them to do so. I entreat them by every motive of fellowship, of party, of patriotism, of humanity! But if they refuse; if their destiny is written; if even party spirit loses something of its influence by an unnatural alliance with reason and justice; still, I repeat, the country must be saved, and let the honor be his to whom the honor shall be due. Have our friends considered how they and their leaders, and their constituents, must feel in such a new coalition as their votes will throw them into? Once more I beseech them to pause, if the part they must take is not already fixed, the company they must keep already chosen. Once more I remind them, that, if they involve this country in a civil war, the administration, sooner or later, will have for its adversaries the whole South, its oldest and most steadfast friends, and for its new allies those who have pursued it with the bitterest ridicule and the deadliest enmity. Before they throw themselves into this false position, I invite them to review with me the arguments which are used to seduce them from their republican principles, their party attachments, and their Southern brethren.

We have heard that we must not submit to be bullied by a single State. We must not legislate with a sword over our heads. We will not be dictated to by South Carolina! Against listening to these miserable suggestions of false pride, we were cautioned by my friend from New York [Mr. Verplanck] in language so elegant and touching, that nothing can be taken from, nothing added to it, without injury.

In family quarrels the best heads and hearts are ever ready to make the greatest allowance for errors of judgment and infirmities of temper. Stickling on points of ceremony, in such cases, is ridiculous. In entering into domestic broils, the etiquette is that fixed in other cases by old Frederick of Prussia, "the greatest fool goes first." But bad motives will be imputed to us. We shall be said to have yielded to our fears. And what course of conduct can we pursue, to which bad motives cannot be imputed? Bad motives have been imputed to me, Mr. Chairman, to you, and to every body else. Is that to be a reason for neglecting our duty? Then we must never do any thing. The very course gentlemen are pursuing to escape the imputation of bad motives, will expose them to that very imputation.

For example, an extract of a letter was pointed out to him the other day in a newspaper, which stated, "it is also said that Judge Marcy has written to the Van Buren members of Congress that they must stick to the existing tariff, and oppose any reduction of duties until Calhoun shall be so thoroughly down as to prevent all danger of his political resurrection. After that is done, it is intimated that something might be yielded to South Carolina."

Now he [Mr. W.] did not believe that Judge Marcy had ever written such a letter. He had too good an opinion of his prudence. He had no idea the Vice President elect had ever authorized any one to write such a letter. But the father-in-law of Judge Marcy is understood to exercise a great influence over the politics of New York, to have a very deep interest in wool, and to be utterly opposed to any reduction of duty on it. Judge Marcy and the Vice President elect are intimate and confidential friends. The world applies with little discrimination the maxim, "*noscitur a sociis;*" and, putting all these things together, it is easy to impute bad motives, and to suppose that one man speaks the opinions of another. Now, the truth no doubt is, that the gentleman in question (Mr. Knower) does entertain an opinion unfavorable to a modification of the tariff, at present. He may have expressed that opinion to his political friends as he has a perfect right to do. Neither Judge Marcy nor the Vice President elect are in the slightest degree responsible for it, and the opinion itself may be perfectly honest. Yet, after all, such is the uncharitableness of the world, that when men have a personal interest in maintaining certain very honest opinions, the honesty of such opinions is thought to be a scruple less than standard fineness. The popular notion of honesty was best expressed by a burlesque toast which he remembered. Some years ago, some one, he forgot at the moment who, had been toasted as "the man who dares be honest in the worst of times." A wag of Boston—where, by the bye, they manufacture the best toasts, if toasts are not their best manufacture—wrote a ludicrous account of an abolition festival, where Cæsar or Cuffy was thus made to travesty that sentiment: "De man; who dare be honess when he git nothin by him." That, sir, said Mr. W., is the only honesty which wins universal credence. A failure to observe it was the great mistake of a distinguished gentleman from the West, who, eight years ago, had occasion to give a vote in that House for President, and who afterwards became Secretary of State under the Presidency of the gentleman for whom he voted. In that vote the person giving and the person receiving it might be equally free from the slightest censure. Mr. W. believed they were so. Neither did he mean to be understood as saying that in consequence of that vote the gentleman referred to got any thing. He was not one of those who argue "*post hoc, ergo, propter hoc.*" He had not joined the vulgar clamor: but that the fact of his taking office had been successfully though wrongfully appealed to as implicating the purity of his motives, admitted of no doubt. His honesty had been assailed, because it did not appear to be unprofitable. Who, then, can expect to escape censure if they profit by their honesty? He adverted to these things not to wound the feelings, and much less the reputation of any human being. For all the distinguished names of his country he cherished an habitual fondness. He felt he had an interest in them all as an American citizen. Whoever tarnished their lustre, robbed him of a portion of his birthright. The matters he referred to were mentioned in no spirit of censoriousness or unkindness, but as topics of philosophical argument and speculation. They might serve to show gentlemen that the fear of having bad motives imputed to them, was no safe rule of action; for, in the instance alluded to, the distinguished citizen upon whom such motives were, no doubt untruly, supposed to operate, was at first disposed to decline coming into the administration. But his friends persuaded him that such a refusal would be attributed to the timidity of an evil conscience, and their importunities exposed him, through the fear of danger, to the very danger they feared.

But, sir, continued Mr. W., if it were possible that any friend of the Vice President elect could entertain or inculcate such a course as the letter writer mentions, nothing could be at once more ignoble and more impolitic. Even Sylla saved his country before he chastised his enemies; and was one as much better than Sylla, as Sylla was greater than him, urged to remember his petty interests and animosities when the republic was in danger? Sir, the recent experience of the New York statesman's opponents might teach his friends this salutary lesson: Never seem to persecute a depressed adversary if you do not wish to raise him above you.

But it will be urged, no doubt, that the Vice President elect ought not to be identified with the gentlemen to whom these considerations were suggested, nor they with him: they were not his men, nor any one else's men; they were their own men, undoubtedly; he intimated nothing to the contrary; but, unhappily again, "circumstance, that unspiritual god," bore testimony against them, and, however hard it might be, the rule of political judgment was the rule of the prize court. Circumstantial evidence outweighed positive asseverations. The rule was harsh—oftentimes unjust; but it was the rule of the world, and the world alone could alter it. Unfortunately these gentlemen were all well known as partisans. He traced no gentleman through ayes and noes; but, unless his memory deceived him upon every test question of party, they were faithful to their colors far beyond himself. The Bank of the United States, the Choctaw reservations, the breach of privilege, the Wiscasset collector, all proved their perfect orthodoxy; and could they who subscribed the whole thirty-nine articles, boggle at the first question in the catechism? Where is party discipline more perfect than in New York? Have they not punished my friend [Mr. Verplanck] with the ostracism for a breach of it? And if all honorable duty is forbidden, ought he not to be proud of his punishment?

We have often been reminded of the power of the United States. To what purpose? Is the mere gift of strength a reason for using it? Can it make right, or legalize oppression? "Power without wisdom," says the poet, "is but armed injustice." Either he says truly, or we should apostrophize the sword with Devereux.*

> "God, law, and priest, and prophet of the strong!"

Power enables its possessor to be magnanimous. The weak can never yield with so good a grace. Is the best part of the possession the only one we are never to use?

Besides, is the concession made to South Carolina alone? Are there not five or six other States which have suffered long, and who still entreat without threatening? What is the argument as to them? We cannot take off your burdens until we chastise South Carolina. May they not answer, very reasonably, relieve us first, and chastise her afterwards. But if you insist on chastising her first, and keeping on our burdens until it is effected, when are we to be relieved? A gentleman of much experience, who thinks South Carolina ought to quelled, [Mr. Adams,] is said to have estimated the cost of the conquest at ten millions, and the annual loss to the revenue during the operation, at three. When South Corolina is chastised, we who are invited to assist in correcting her, will find ourselves sharers in her punishment. Tea and coffee may continue free, but the duties on the protected articles will increase. Having warred for taxes, we shall pay taxes for the war.

But if we submit to one State, we must to another; first, one will nullify, and then a second; and if we yield to each of their demands, what is left of the Government will not be worth having; it will become contemptible from its weakness. The strength of Government is in the affection of its citizens. Was France ever stronger than in the days of the republic? Does history show any example of people rebelling against a Government which did not oppress them? Has South Carolina no cause of complaint? The whole South says she has. Seven States complain that they are oppressed. The President himself, in his message, admits the fact. Yet we must give them not redress, but chastisement, lest, hereafter, other States should nullify without cause. A Government professing to be founded on reason desires to consolidate its empire by steel. It claims to derive all its just powers from the consent of the governed, yet seeks to eke out its authority by a little gentle force. Why and whence the revival of all this clamor for a strong Government? Is not the Government which lasted Thomas Jefferson through the embargo, and James Madison through the war, strong enough for any President? Do we not know the origin, the progress, and the defeat of that sect in politics whose favorite object it was to establish a strong Government? That sect the republicans of New York and Pennsylvania resisted, and at last overthrew. Are they about to be converted to the rejected heresy, more federal than federalism, ay, arch-federal? Let me avail myself of the authority of the great apostle of republicanism, he who wrote the political gospel of American independence. "A Government held together by the bands of reason only, requires much compromise of opinion; that things even salutary should not be crammed down the throats of dissenting brethren, especially when they may be put into a form to be swallowed; and that a great deal of indulgence is necessary to strengthen habits of harmony and fraternity."* Sir, he was right, said Mr. W. Government, to use a comparison which would come home to the business of some of his Pennsylvania friends, Government is like iron, toughest when softest; if you harden it to make it stronger, it becomes brittle.

Even arbitrary monarchs find their best support in the affections of their subjects. There is but one way to make "taxation no tyranny." It is that recommended by old Burleigh to Elizabeth: "Win men's hearts, and you have their hands and their purses."

The violence and precipitation of South Carolina have been objected to. If she is wrong in her resistance to the tariff, however moderate she might be, she would be wrong still; if she be right, she will not cease to be right on account of her violence. One of the strongest political discourses he ever heard was delivered on that floor by an honorable gentleman from Virginia, [Mr. RANDOLPH,] from the text, "The kingdom of heaven suffereth violence, and the violent take it by force." That speech had more effect than any one circumstance, except the battle of New Orleans, in making Andrew Jackson President of the United States.

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* Devereux, book 3, chap. 3, page 180.

* Memoir and Correspondence of Thomas Jefferson, vol. 4, page 392. Letter to Edward Livingston, 4th April, 1824.

Much has been said in the course of this debate about nullification. On that doctrine he had once expressed an opinion, of which he had nothing to retract, nothing to explain. Nullification could do little harm but for the help of the tariff. It reminded him of a saying which he would quote for the gentlemen from Connecticut [Messrs. ELLSWORTH and HUNTINGTON] who had quoted him: "The devil would not do so much mischief if it were not for the witches."[*] The gentlemen had been pleased to extract from a certain letter of his such parts as they thought made in favor of their argument; and they referred to them with much praise, and some triumph. One advantage that letter at least procured him—some slight credit for candor and fair dealing, and a reputation for courage enough to tell the truth. But if he was a good witness for the East, he was for the South also. His testimony, if it was worth any thing, must be taken altogether. If it would be good to show the origin of the restrictive system, it would be good to prove the deeply-seated, all-pervading discontent of the Southern States. It would avail as testimony that union and the present protective duties are incompatible: we must choose between them.

The gentlemen from Connecticut [Messrs. HUNTINGTON and ELLSWORTH] had recommended to his attention parts of his own letter. There were other parts which he would recommend to theirs. If his memory served him, he had there said, too many would be found in every country to flatter and inflame the inclinations of whom or whatsoever may be sovereign; comparatively few to argue with the masters of votes or legions. For the reason, then, that if he were the representative of a manufacturing district, addressing at that crisis implicit believers in the beneficent magic of the restrictive policy, he should attempt to mitigate their zeal and confidence; for the same reason, appealing to those who were convinced of its malignant influence, it was his duty to soothe, if possible, their just indignation. Unless this course of conduct was pursued by all who aspired to be thought honest and dispassionate, must not alienations spread and become incurable? Do not the gentlemen from Connecticut, continued Mr. W., aspire to be thought honest and dispassionate? If they do, let them answer me this question: The gentlemen have praised, have they imitated me?

With respect to the character of the right to secede, and the circumstances and limitations under which it could be exercised, this was not the time to discuss them. He would say but a word. Unless there were instances in which a State could say to her associates, "*Non in hæc fœdera venimus*," disguise it as we will, this is a great consolidated Government; and if, for maintaining her construction of the compact through her courts and juries, she is to be sabred and bayoneted, it is a despotism.

Last session we were told, "If Carolina will go, let her go." We were told, "we could not drive her out of the Union." Now we must cut the throats of her citizens if she will not remain.

On this head, he could not avoid citing an apt passage from the declaration and protest drawn up by Mr. Jefferson, with the intention of being submitted to the Legislature of Virginia.[†]

"Whilst the General Assembly thus declares the rights retained by the States; rights which they have never yielded, and which this State will never voluntarily yield; they do not mean to raise the banner of disaffection or of separation from their sister States, coparties with themselves to this compact. They know and value too highly the blessings of their Union as to foreign nations and questions arising among themselves, to consider every infraction as to be met by actual resistance. They respect too affectionately the opinions of those possessing the same rights under the same instrument, to make every difference of construction a ground of immediate rupture. They would, indeed, consider such a rupture as among the greatest calamities which could befall them, but not the greatest. There is yet one greater: submission to a Government of unlimited powers. It is only when the hope of avoiding this shall become absolutely desperate, that further forbearance could not be indulged. Should a majority of the coparties, therefore, contrary to the expectation and hope of this assembly, prefer, at this time, acquiescence in these assumptions of power by the federal member of the Government, we will be patient, and suffer much under the confidence that time, ere it be too late, will prove to them also the bitter consequences in which that usurpation will involve us all. In the mean while, we will breast with them rather than separate from them every misfortune, save that only of living under a Government of unlimited powers."[*]

A quarter of a century before, the patriarch had held similar language: "I thought something essentially necessary to be said in order to avoid the inference of acquiescence; that a resolution or declaration should be passed, 1st. Answering the reasonings of such of the States as have ventured into the field of reason, and that of the committee of Congress, taking some notice too of those States who have either not answered at all, or answered without reasoning; 2d. Making firm protestation against the precedent and principle, and reserving the right to make this palpable violation of the federal compact the ground of doing in future whatever we might now rightfully do, should repetitions of these and other violations of the compact render it expedient; 3d. Expressing, in affectionate and conciliatory language, our warm attachment to union with our sister States, and to the instrument and principles by which we are united; that we are willing to sacrifice to this every thing but the rights of self-government in those important points which we have never yielded, and in which alone we see liberty, safety, and happiness; that, not at all disposed to make every measure of error or of wrong a cause of scission, we are willing to look on with indulgence, and to wait with patience till those passions and delusions shall have passed over, which the Federal Government have artfully excited to cover its own abuses and conceal its designs, fully confident that the good sense of the American people, and their attachment to those very rights which we are now vindicating, will, before it shall be too late, rally with us around the true principles of our federal compact. This was only meant to give a general idea of the complexion and topics of such an instrument. Mr. M., who came as had been proposed, does not concur in the reservation proposed alone; and from this I recede readily, not only in deference to his judgment, but because, as we should never think of separation, but for repeated and enormous violations, so these, when they occur, will be cause enough of themselves."[†]

A further development of these ideas was to be found in his letter to Mr. Giles, from which Mr. W. begged leave to read a couple of passages: "I see as you do, and with the deepest affliction, the rapid strides with which the federal branch of our Government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic, and that too by constructions which, if legitimate, leave no limits to their power. Take together the decisions of the Federal Court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the Legislature of the federal branch, and it is but too evident that the then ruling branches of that department are in combination to strip their colleagues, the State authority, of the powers reserved by them, and to exercise themselves all functions, foreign and domestic. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry, and that too the most depressed, and put them into the pockets of the other, the most flourishing of all. * * * And what is our resource for the preservation of the constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them. The representatives chosen by ourselves? They are joined in the combination, some from incorrect views of Government, some from corrupt ones, sufficient voting together to outnumber the sound parts, and with majorities of one, two, or three, bold enough to go forward in their defence. Are we, then, to stand to our arms? No; that must be the last resource, not to be thought of until larger and greater sufferings. If every infraction of a compact of so many parties is to be resisted at once as a dissolution of it, none can ever be formed which would last one year. We must have patience and longer endurance, then, with our brethren while under delusion; give them time for reflection and experience of consequences; keep ourselves in a situation to profit by the chapter of accidents; and separate from our companions only when the sole alternatives left are the dissolution of our union with them, or submission to a Government without limitation of powers.*

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[*] Multa mala non egisset dæmon nisi provocatus a sagis.

[†] Memoir and Correspondence of Thomas Jefferson, vol. 4, p. 417.

[*] Memoir and Correspondence of Thomas Jefferson, vol. 4, page 417. Letter to James Madison, Dec. 24, 1825.

[†] Ibid. vol. 3, pages 428, 429. Letter to W. C. Nicholas, September 5, 1799.

If this bill fails, said Mr. W., I entreat our friends to consider what is the next step. If you will not alter, you must be called on to enforce. The choice is between this bill and another measure which must be nameless, not for want of words to characterize it as it deserves, but because they could not be used without a breach of order. He could not say what was doing in the other end of the capitol; but this he could say, he was present the other day at the consultation of a body of learned physicians: the case was one of delirium and debility brought on by ill treatment, and the remedy proposed was the lancet and blue pills. This is the prescription of our political empirics. The cry is, "Bleed the republic!" Let me tell them, sir, "*Plus a medico quam a morbo periculi.*"

It no longer admits of a doubt, the choice of our friends must be made between coercion and conciliation. The first will soon identify Carolina with the whole South; the second will unite the South against Carolina. Coercion is not wise or prudent, nor always fortunate, even when the disparity of strength is greatest. Austria attempted to coerce the Swiss, Spain to coerce the Netherlands, England to coerce her North American colonies, and, in our day, Turkey to coerce Greece. What was the fate of coercion? There has, indeed, been one successful effort: Russia has coerced Poland. Is she proposed to us as an example?

In the struggle between the United States and a State, to keep peace *vi et armis*, by blowing up all malcontents, what is the alternative? If the State conquers, she is out of the Union of course. If you conquer, is she not out equally? You may reduce her to the condition of a subject province, you may reward with her plunder some proconsular Governor, for ruling her with the despotism of a master and the wastefulness of an agent, leaving behind you in her bosom—

> "*Immortale odium, et nunquam sanabile vulnus.*"

But she is a State no longer! You may grasp a barren sceptre, and wave it over a dispeopled territory; but till you exterminate the sons of Carolina, your dominion over her soil extends not beyond the points of your bayonets. And what will you have done? Extinguished one star of the constellation, and made South Carolina

> "Like the lost Pleiad seen no more below."

Before gentlemen decide against conciliation, and in favor of civil war, will they review the history of our struggle with the mother country? If they will, and are not struck and warned by the coincidences, they are beyond the power of hellebore. Let me turn their attention to the page before me. It contains his Majesty's most gracious speech to both Houses of Parliament, on Wednesday, November 30, 1774.

"My lords and gentlemen: It gives me much concern, that I am obliged, at the opening of this Parliament, to inform you that a most daring spirit of resistance and disobedience to the law still unhappily prevails in the province of Massachusetts Bay, and has, in divers parts of it, broke forth in fresh violences of a very criminal nature. These proceedings have been countenanced and encouraged in other of my colonies, and unwarrantable attempts have been made to obstruct the commerce of this kingdom, by unlawful combinations. I have taken such measures, and given such orders, as I judged most proper and effectual for carrying into execution the laws which were passed in the last session of the late Parliament, for the protection and security of the commerce of my subjects, and for the restoring and preserving peace, order, and good government in the province of Massachusetts Bay; and you may depend upon my firm and steadfast resolution to withstand every attempt to weaken or impair the supreme authority of this Legislature over all the dominions of my Crown; the maintenance of which, I consider as essential to the dignity, the safety, and the welfare of the British empire; assuring myself, that, while I act upon these principles, I shall never fail to receive your assistance and support. * * *

"My lords and gentlemen: Let me particularly recommend to you, at this time, to proceed with temper in your deliberations, and with unanimity in your resolutions. Let my people, in every part of my dominions, be taught, by your example, to have a due reverence for the laws, and a just sense of the blessings of our excellent constitution. They may be assured that, on my part, I have nothing so much at heart, as the real prosperity and lasting happiness of all my subjects."

Sir, said Mr. W., I intend to excite no additional odium against the memory of George III. In our declaration of independence he was indeed described as "a Prince, whose character was marked by every act which may define a tyrant." But he has gone to his account. His latter years it had pleased Providence to visit with the heaviest calamity that can befall a human being. With his shade, therefore, he warred not. There was probably some office form, a standard original, upon which all such instruments were made.

There was another curious coincidence which might become more or less perfect according to the exterior which was given to a contemplated call for certain papers. "An odd incident happened, which served to revive, with double force, all the ill temper and animosity that had long subsisted between the Executive part of the Government and the people, in the province of Massachusetts Bay. This was the accidental discovery and publication of a number of confidential letters, which had been written during the course of the unhappy disputes with the mother country, by the then Governor and deputy Governor of that colony, to persons in power and office in England. The letters contained a very unfavorable representation of the state of affairs, the temper and disposition of the people, and the views of their leaders, in that province; and tended to show not only the necessity of the most coercive measures, but even a very considerable change of the constitution, and system of government, was necessary to secure the obedience of the colony.

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* Memoir and Correspondence of Thomas Jefferson, vol. 4, page 421.

These letters, indeed, were in part confidential and private; but the people of the colony insisted that they were evidently intended to influence the conduct of Government, and must therefore be shown to such persons as had an interest in preserving their privileges. Upon the death of a gentleman, in whose possession these letters then happened to be, they, by some means which are not known, fell into the hands of the agent for the colony of Massachusetts Bay, who immediately transmitted them to the Assembly of that province, which was then sitting at Boston. The indignation and animosity which these letters excited on the one side, and the confusion on the other, neither need nor admit of description.[*]

How exact a companion piece would appear for this picture, if (which God forbid!) the correspondence of the Government with certain individuals in South Carolina should be published. He hoped it never would be. He deprecated that publication as fraught with infinite mischief. Other singular points of resemblance were to be found in the history of those times.

"The minister, after having moved that the King's message, of the 7th of March, should be read, opened his plan for the restoration of peace, order, justice, and commerce in the Massachusetts Bay." * * * * After stating his opinions, and arguing their correctness, the minister proceeded. "It would be proper, therefore, to take away from Boston the privilege of a port until his Majesty should be satisfied in these particulars, and publicly declare in council, on a proper certificate of the good behavior of the town, that he was so satisfied. Until this should happen, the custom-house officers, who were now not safe in Boston, or safe no longer than while they neglected their duty, should be removed to Salem, where they might exercise their functions."[†]

Upon these arguments, leave was given to bring in the celebrated Boston port bill, which will serve as a model for any Charleston port bill it may be necessary to prepare, and the reasons in opposition and support of which are so applicable, that gentlemen, by consulting the reports, may find their own speeches in those of Lord North, his partisans, or his opponents, with one exception, a little better English. Lord North, for example, is reported to have said, "I hope that this act will not, in any shape, require a military force to put it in execution. The rest of the colonies will not take fire at the proper punishment inflicted on those who have disobeyed your authority. We shall then be nearly in a situation that all lenient measures will be at an end, if they do. But, if we exert ourselves now with firmness and intrepidity, it is more likely they will submit to our authority. If the consequences of their not obeying this act are likely to produce rebellion, those consequences belong to them, and not to us; it is not what we have brought on, but what they alone have occasioned. We are only answerable that our measures are just and equitable. Let us continue to proceed with firmness, justice, and resolution, which, if pursued, will certainly produce that due obedience and respect to the laws of this country, and the security of the trade of its people, which I so ardently wish for."

We all know, said Mr. W., that the bill passed. If such a one comes to us, that coincidence, at least, will, I trust, be wanting.

After its passage, history informs us that several gentlemen who had voted for it were nevertheless of opinion that something of a conciliatory nature should attend this measure of severity, and might give greater efficacy to it. "That Parliament, whilst it resented the outrages of the American populace, ought not to be too willing to irritate the sober part of the colonies."

A motion was accordingly made for a repeal of the tea duty laid in 1767. The debate upon the policy of a repeal at that particular time, was long and earnest; the party for the repeal strongly urging experience, which they insisted was in their favor. That the attempt to tax America had inflamed, the repeal had quieted, and the new taxes had inflamed it again. The good effect of rigor would depend on a tincture of lenity. The lenity might render the rigor unnecessary. They, therefore, earnestly pressed the repeal of the noxious duty, as a probable method of restoring tranquillity. How were these arguments met? The ministry said, "a repeal at that time would show such a degree of wavering and inconsistency, as would defeat the good effects of the rigorous plan. That Parliament ought to show that it would relax none of its just rights, but enforce them in a practical way; that it was provided with means of compelling obedience when resisted. If this tax was repealed, what answer is to be given when they demand the repeal of the duty on wine?"[*]

On these grounds the motion was negatived. After the Boston port bill, came the bill for the "better regulating government in the province of Massachusetts Bay." Both these memorable laws were before them. They were doubtless pattern acts for all lovers of strong government; but politicians, a little bolder than the British ministry, would put them together. He would not go through with them. Gentlemen curious in engines of coercion, might perhaps have scanned them clause by clause. In bringing forward that bill, Lord North favored the House of Commons with a dissertation on the *posse comitatus*.[†] Then came the bill for the better administration of justice in Massachusetts Bay. That, too, would furnish some hints to an American Draco. They would be gathered up no doubt. It was on that bill that Colonel Barre was enabled to make his proud boast: "I resisted the violence of America at the hazard of my popularity there; I now resist your frenzy at the same risk here." It was then, too, he gave his memorable, but fruitless warning: "I know the vast superiority of your disciplined troops over the provincials: but beware how you supply the want of discipline by desperation."

Sir, said Mr. W., the fatal dilemma of Mr. Dunning is exactly that presented to the South: "Resist, and we will cut your throat; submit, and we will tax you."[‡]

From this hasty review of councils, whose folly and madness could be excelled only by our own, it was grateful to turn to a safer, a wiser precedent, that set by Thomas Jefferson respecting the repeal of the embargo. It would be unjust and imprudent to use any other than his own words: "Mr. Adams called on me pending the embargo, and, while endeavors were making to obtain its repeal, he made some apologies for the call, on the ground of our not being in the habit of confidential communications; but that that which he had then to make involved, too seriously, the interests of our country, not to overrule all other considerations with him, and make it his duty to reveal it to myself particularly. I assured him there was no occasion for any apology for his visit; that, on the contrary, his communications would be thankfully received, and would add a confirmation the more to my entire confidence in the rectitude and patriotism of his conduct and principles. He spoke then of the dissatisfaction of the eastern portion of our confederacy with the restraints of the embargo then existing, and their restlessness under it. That there was nothing which might not be attempted to rid themselves of it. That he had information, of the most unquestionable certainty, that certain citizens of the Eastern States (I think he named Massachusetts particularly) were in negotiation with agents of the British Government, the object of which was an agreement that the New England States should take no further part in the war then going on; that, without formally declaring their separation from the Union of the States, they should withdraw from all aid and obedience to them; that their navigation and commerce should be free from restraint and interruption by the British; that they should be considered and treated by them as neutrals, and as such might conduct themselves towards both parties, and, at the close of the war, be at liberty to rejoin the confederacy. He assured me that there was imminent danger; that the convention would take place; that the temptations were such as might debauch many from their fidelity to the Union; and that, to enable its friends to make head against it, the repeal of the embargo was absolutely necessary. I expressed a just sense of the merit of this information, and of the importance of the disclosure to the safety and even the salvation of our country: and however reluctant I was to abandon the measure, (a measure which, persevered in a little longer, we had subsequent and satisfactory assurance, would have effected its object completely,) from that moment, and influenced by that information, I saw the necessity of abandoning it; and, instead of effecting our purpose by this peaceful weapon, we must fight it out, or break the Union. I then recommended to my friends to yield to the necessity of a repeal of the embargo, and to endeavor to supply its place by the best substitute, in which they could procure a general concurrence."[*]

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[*] Annual Register, 1776, page 64.
[†] Ibid. 1774, pages 62 and 63.

[*] Annual Register, 1774, pages 58 and 69.
[†] Parliamentary History, vol. 17, 1774, page 1191.
[‡] Ibid.

Mr. W. was not unapprised, that, in some of these details, the memory of Mr. Jefferson was inaccurate. The correctness of the material part, however, remains unimpeached. The discontent of the East, and the machinations of some leading men there, to produce a dissolution of the Union, or temporary secession from it, had been communicated to Mr. Jefferson; and, instead of seeking means to punish the instigators of the resistance to a law of Congress, or asking new or extraordinary powers to enforce it, Mr. J. recommended a repeal of the embargo.

This much Mr. W. thought was apparent, even from the statement of the distinguished gentleman referred to, made with a view of correcting the errors of Mr. Jefferson's octagenarian memory. To avoid all injustice, Mr. W. would use his own language: "It was in these letters of 1808 and 1809," says Mr. Adams, "that I mentioned the design of certain leaders of the federal party to effect a dissolution of the Union, and the establishment of a northern confederacy.

This design had been formed in the winter of 1803–'4, immediately after, and as a consequence of the acquisition of Louisiana. Its justifying causes to those who entertained it were, that the annexation of Louisiana to the Union transcended the constitutional powers of the Government of the United States. That it formed in fact a new confederacy, to which the States united by the former compact were not bound to adhere. That it was oppressive to the interests, and destructive to the influence of the northern section of the confederacy; whose right and duty it therefore was to secede from the new body politic, and to constitute one of their own. This plan was so far matured, that the proposal had been made to an individual to permit himself, at the proper time, to be placed at the head of the military movements which it was foreseen would be necessary for carrying it into execution. In all this there was no overt act of treason. In the abstract theory of our Government, the obedience of the citizen is not due to an unconstitutional law. He may lawfully resist its execution. If a single individual undertakes this resistance, our constitutions, both of the United States and of each separate State, have provided a judiciary power, judges and juries, to decide between the individual and the legislative act which he has resisted as unconstitutional. But let us suppose the case that legislative acts of one or more States of this Union are passed, conflicting with acts of Congress, and commanding the resistance of their citizens against them, and what else can be the result but war, civil war? And is not that *de facto* a dissolution of the Union, so far as the resisting States are concerned? And what would be the condition of every citizen in the resisting States? Bound by the double duty of allegiance to the Union and to the State, he would be crushed between the upper and the nether millstone, with the performance of every civic duty converted into a crime, and guilty of treason, by every act of obedience to the law.[*]

It was precisely this miserable state of things so clearly and ably delineated by the gentleman from Massachusetts, [Mr. Adams,] that he [Mr. W.] desired to avoid. He conjured, nay, he implored, his political friends to aid him in averting it. If they turned a deaf ear to his prayers, he reminded them that the Southrons were Italians, not in their skies only. If they should trace up the failure of peace to those whose cause they had been upholding, there was danger they might adopt the desperate saying of Cosmo de Medici: "You shall read, said he, that we are commanded to forgive our enemies; but you will nowhere find we are required to forgive our friends."

Mr. W. wished to forgive all, or rather he wished, by a comprehensive measure of conciliation, so to bury every past cause of complaint, that there should be nothing left to forgive. In pursuit of that just object, he acknowledged no friend but him who aided, he recognised no enemy but those who obstructed it. Whosoever, in this hour of peril and dismay, would aid him in his holy purpose, whosoever would even dare to speak what the freemen of the country thought, but had not yet uttered, him would he grapple to his heart with hooks of steel! And he who thwarted him in this most cherished object of his life, would he tear thence, though he were his brother of the same womb, born at the same birth!

[Lights had been introduced before Mr. W. commenced, and, after speaking until nine o'clock, the committee rose, and the House adjourned. He finished his speech the next day, but it is given entire here.]

Thursday, January 24.

MR. ADAMS'S RESOLUTIONS.

The resolutions offered by Mr. Adams, calling on the Secretary of the Treasury, and on the President, for certain explanations as to parts of the Secretary's report and the President's message, having again come up for consideration,

Mr. HOFFMAN said: I did not intend to make this resolution the occasion of a counter debate to the tariff debate now in progress in committee. My colleague on the Committee on Manufactures, [Mr. Adams,] and myself, had differed respecting this call, and as he stated his reasons for it, I stated mine against it, and felt willing to submit the matter to the judgment of the House without further remark.

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[*] Memoirs and Correspondence of Thomas Jefferson, vol. 4, page 419, Letter 25th Dec. 1825, to W. B. Giles.

[*] Correspondence between Mr. Adams and several citizens of Massachusetts. Boston, 1829.

The gentleman from Massachusetts [Mr. Adams] has since stated that, by the etiquette of the House, it would have been improper for the committee to have made the proposed call on the President. I believe he is entirely correct in matters of etiquette, and I wish I could say the same of what he has stated in respect to my call on the Secretary of the Treasury. I did not call on him privately; I called on him as Secretary, and at his office, as I believe I had a perfect right to do; not to obtain a catalogue of the protected articles, but to know whether he approved of the bill reported, and what would be the probable delay or answer, if he would be required to give one, to the gentleman's resolution. I have reported his answer, and, if it be not acceptable to the gentleman, it is not my fault. The House know what the answer will be; and if it desires him to give his to aid its judgment, it will make the call. I can only say, that highly as I respect his judgment, I do not think it can aid us much at this stage of the proceeding. If the gentleman persists in his motion, I shall ask that the question be taken on the last resolution, separately; and I do hope that the House, as well out of regard to its own character, as the courtesy due the Executive, will not request the President to inform us what articles are deemed essential to the defence of the country in time of war. The short answer would seem to be, arms and munitions of war.

The gentleman from Pennsylvania [Mr. Stewart] wishes to know why I desire the repeal of the act of 1832. Why, sir, does that gentleman forget his very "ardent, zealous, and sincere" speech and vote against that act, and the dreadful ruin which he predicted would be consequent on its operation in practice? and can he find, in his very sincere opposition to it, no reason why I should desire that Congress should again review the subject, correct and improve that act, and rejudge its judgment? If he voted against that act because it reduced the taxes of the people six millions of dollars, could I not vote for it when I wished it to reduce those taxes double that amount?

The gentleman [Mr. S.] says he is in "Egyptian darkness," and calls for more light. I have none of "Morgan's Illustrations, or Giddings's Almanacks," and cannot enlighten him. From his argument, his action, and his vote, I cannot deny that he is in Egyptian darkness, and he may be afflicted with all the plagues of Egypt on this subject; but I will enlighten him as far as I am able.

The gentleman [Mr. S.] says that in 1828 I was the ardent and zealous advocate of the agriculturists. He will find me so still, and I hope by my acts to prove myself as sincere a friend to every branch of industry as the gentleman can be. And why should I not be? My habits or associations cannot tend to favor idleness. Indeed, I regard idleness as leading to corruption, and as pensioned on the labors of industry. Industry produces all and pays all; and I wish to relieve industry from the payment of six millions more of unnecessary taxes. Can it be good for the people to pay six millions of taxes not necessary to the support of the Government? Though he says he is in Egyptian darkness on the subject, I hope the gentleman may find some reason for my wish to relieve industry of these six millions of unnecessary taxes fastened on it by our present laws.

So much as to what the gentleman [Mr. S.] said about my reasons for desiring further to reduce these taxes. But he argued that the act of 1832 would produce an increased revenue, and, as well as I can understand him, that the present will produce a vast excess. One thing is certain, that the taxation on the articles is reduced, for the rate of the tax is diminished.

But what is his scheme for reducing the revenue? He would increase the rate of the tax so that the article could not be brought into the country. I mean no disrespect, and will apply no abusive epithet to the gentleman. I will treat him as a member of this House; but of his scheme, I will say, not that it is the Hong system of China, or the tory system of England, but that it is a copper-washed pig iron system of finance and protection; cruel, oppressive, and impolitic, in the extreme; fit only to be imposed on the most abject of slaves, by the worst of despots; wholly unsuited to a free people, and insupportable in a free country. What is it? The people ask that the taxation should be reduced, and the gentleman proposes to increase the taxes, and by a continued increase, until they arrive at a perfect prohibition. Such is his scheme. The people ask that the taxation should be reduced, and he proposes to increase the rate of taxation until the prices shall be so raised that they cannot obtain or afford to buy these necessaries and comforts of life. He will give no relief, but increase these taxes tenfold; a system of Asiatic despotism, unfit to be countenanced in a free country; and on reviewing it, I hope the gentleman will repudiate and abandon a system so cruel and oppressive.

Yet the gentleman supposes that the Secretary of the Treasury might recommend his system of reducing revenue. But this is impossible. The Secretary is an honest man, and cannot recommend such insulting cruelty; he is an enlightened citizen, and cannot adopt such a system of absurdity; he is a friend to the industry of the country, and cannot recommend a system oppressive to, and destructive of all its energies. Does the gentleman really suppose that the Secretary could recommend Congress to adopt his system? He says so; and I am bound to believe him. He will give proof of his sincerity, if he will apply his system to indigo, which can be produced at the South. Let him move to extend his rule to this article under circumstances of probable success, and he will afford proof of his sincerity.

If Pennsylvania has by imports supplied herself, free of duty, with the iron necessary to the completion of her railways, and not without, for I am a friend to her, and do not wish to destroy them, let him, under circumstances which promise success, extend his system to railroad iron, by such an enormous duty as will prohibit its importation, and all will think him sincere. One or two hundred, or even fifty dollars tax on the ton, will work its exclusion, and force its production here. Indigo and railroad iron are fit articles on which to try his system of reducing revenue by increasing taxes on articles to be consumed by manufacturers, and those wealthy citizens who subscribe for railroad stocks. Let him fasten his system on these articles, and others like them, and none will doubt his sincerity. If tried on these articles, I think it would be found that increasing the rate of duty, even if extended to a prohibition, would be deemed by the consumers an increase of the tax.

The gentleman pushes his dislike of the bill reported by the Committee of Ways and Means, so far as to tell us that on its passage depends the peace, perhaps the continuance of the Union. Nullification must rejoice at this accession of the gentleman from Pennsylvania to its ranks. Has the gentleman considered the very awkward position in which he would place himself? We have often heard of a people driven into violence and resistance to taxes; but was it ever heard that a people resisted with force the reduction of their taxes? Whatever effect this bill may have upon the revenue, certain it is that it reduces the rate of taxation. It adopts lower rates of taxation than the act of July, 1832. Besides, sir, has the gentleman forgotten the proclamation, and his late adhesion to it? I hope he will not be so rash as to countenance civil confusion and violence, merely because Congress shall see fit to reduce the taxes of the people.

But the gentleman says he desires the resolution so amended as to require the Secretary to report the price of the protected articles before the tax was increased, and the price of the same articles since the increase of the duty on them. He tells us it will be found that the price of the article was higher before the increase of the duty, and lower after it; and contends, that such a report will prove that the increase of the duty makes the article cheap, and does not increase its price.

Now, sir, I submit that the gentleman does not state the true question. The question is not whether the price of the article is higher or lower before or after the increase of the duty, but whether the price of the article is lower with the tax, than it would be if the tax had not been imposed. This is the true question, and not whether it has risen or fallen since the tax was increased. For if the article be made of a foreign material, its price abroad, or though from a home product, yet its quantity and price here may increase the price of the manufactured article. So, too, though the tax be increased, yet the reduction of the price abroad may, notwithstanding the increase of the tax, permit the price to go down; and the greater cheapness of the raw material abroad and at home may, and would reduce the price here. The real question is not, therefore, as the gentleman states it, have the goods risen or fallen since the duty was increased; but are they dearer or cheaper than they would have been if the tax had not been increased? and the facts which approximate nearest in answer to this the true question will be found in the answer to the question, Since the duties have been increased to a reasonable protection, has the price of the protected articles been so low here as in other countries from which we might obtain them, allowing for the expense of importing them? Has the price of these articles gone down here, notwithstanding the tax, in the same degree that it has gone down in other countries? The answer to this question will show whether the tax has made the goods dearer or cheaper than they would be without the tax.

Now, sir, the answer to these questions will be found in the documents collected by the Secretary of the Treasury, under the order of the House, and sent to us at the last session, and ordered to be printed. In the House document No. 264, this information will be found in relation to goods paying an ad valorem duty, or amount of duty dependent on their value; and I will state a few of these prices for the information of the gentleman and the House. They will then be able to judge whether they have fallen here more than they have abroad, and whether they sell here as cheap as in other countries. According to this document, 4-4 cotton sheetings, which in England, in 1817, sold at 1s. 3d. sterling, can now be had at 4½d. a yard, and printed goods for ladies' dresses, costing then 36s. a piece, can be had for 18s. and 22s. "In 1816, a piece of common blue and white calico, 28 yards, in Manchester, 32s. sterling per piece, can now be had for 12s. to 15s. In woollens also a similar decline has taken place. Broadcloths costing, in 1817, 20s. can now be had for 12s. to 15s." And at page 6 it will be found that from 1816 to 1819,

Blue cloth in England, 40s. per yard, sold in the United States at $14 to 14 50.
Black do. 38s. do. $13½ to 14.

From 1819 to 1824,

Blue cloth in England, 38s. per yd. U. States, $13½ to 14
Black do. 36s. do. 12½ to 14

From 1824 to 1828,

Blue cloth in England, 36s. per yard, U. States, $13
Black do. 34s. do. 12 50

From 1828 to 1832,

Blue cloth, England, 28s. per yd. U. States, $11 50 to 12
Black do. 26s. do. 11 to 11 50

From these prices it will be seen that in woollens the price here has been about double that in England for the same article; and that a great decline has taken place abroad in the articles subject to ad valorem duties; and every man who has any acquaintance with goods can say whether they have been made cheaper here by our protecting tax. In the document No. 308, I believe gentlemen will find more full and satisfactory evidence on this subject.

But, sir, as the importers of goods subject to ad valorem duty have an interest to put down the foreign price of their goods, I will call the attention of the gentleman [Mr. Stewart] and the House to the price of goods subject to specific duties. In relation to these, the importer has no interest to put the foreign price too low; indeed, his interest is to place them on his invoice too high, as thus the invoice may be employed to help him to make a better sale, by showing it to his buyers. I will give the prices from the commercial statement of 1831, a document to which every member can refer. The commercial year ended with September, and it is known to all in the least conversant with trade, that during that year, up to October, not only the foreigner sold these goods to the importer at a fair profit, but also that the importer, after paying the duty and all the charges of importation, sold them in our market at a handsome profit.

Referring to this document, first session of the twenty-second Congress, vol. v, No. 230, it will be found that the foreign cost of the cotton bagging imported from Scotland was ten and a half cents the yard, and that imported from the Hanse Towns was six and a half cents a yard. Now this is one of our well protected articles; and I submit to all who purchased this article in our market, whether it was dearer or cheaper here than abroad. Of the Venitian and ingrain carpeting imported, that from Scotland cost there sixty-nine cents a yard, and that from England sixty-four cents a yard; and it will be easy for members to say whether it sold for more or less in our markets.

The sail duck imported from Russia cost abroad twenty-six and a half cents the yard; and gentlemen conversant with the purchase of the article for fitting out vessels can say whether the home article of as good quality sold as cheap.

Spirits from grain, imported from the Netherlands, Holland gin, I suppose, cost forty-four cents a gallon spirits, from the Dutch West Indies, cost twenty-six cents, and from the British West Indies thirty-nine and a half cents the gallon. It is not difficult to say that no spirits of as good quality, distilled here, sold for these prices, though the protection, or tax on spirits, is abundant and of long standing.

The total of molasses imported was 17,085,878 gallons, and cost on the average, including the casks, as far as I can learn, $2,432,488, or fourteen and a half cents the gallon.

Of the imported sugars, I find that the brown, &c., pounds 98,576,928, cost $4,220,992, or four and a quarter cents per pound. White, clayed, &c. 10,437,726 pounds, cost $689,884, or six and six-tenths cents per pound.

We imported 2,108,165 pounds of lead, which cost $52,120, or about two and a half cents per pound; and this I find from the debates in the Commons of England, in 1830, on the application of the lead miners for an increase of the duty, was the Spanish price of lead. As the English have already exported 4 or 5,000 tons, it was found useless to attempt to increase the tax on an article, the price of which must depend on its worth for export. Does our protected lead sell as cheap here?

Other articles imported appear at equally reduced prices. Iron and steel wire, from England, at ten cents per pound. Nails, brought, I suppose, from England, at six cents per pound. Spikes, mostly from England, at 4 1-7th cents per pound. Cable chains, and parts of cables, 1,004,540 pounds, cost 51,341 dollars, or 5 1-10th cents a pound; and anchors, 54,771 pounds, cost 2,287 dollars, or 4¼ cents per pound; and members conversant in buying these articles for use, can easily determine whether the domestic sold for less here.

Saw-mill saws, 5,679, cost 16,160 dollars, or three dollars each, and every man in the country can judge whether protection has made them cheaper in this country. Sheet and hoop iron, from Russia, 6½ cents per pound; and from England, 2½ cents the pound; bar and bolt iron, rolled, from England, cost $1 58 per cwt.; hammered bar and bolt iron, from Russia, 12,720,534 pounds, cost 314,484 dollars, or 2½ cents; from Sweden, 36,804,646 pounds, cost 880,907 dollars, or 2 4-10ths cents per pound.; and that from England cost 2 3-10ths cents per pound.

The total of hemp imported, 51,909 cwt. cost 295,700 dollars, or $5 70 per cwt. I believe the article, or any of as good quality, sold here at double that price, and more. Salt imported from England cost 14¾ cents, and from the British West Indies 9¾ cents a bushel. Did the article of equal quality sell here as cheap? The average on the total of imported coal was 10½ cents a bushel for the foreign cost.

I submit to the candor of the gentleman from Pennsylvania, [Mr. STEWART,] and to the judgment of the House, did the home articles of equal quality sell as cheap here as these were sold abroad? And yet it is perfectly well known that the foreign manufacturer, in 1831, did a good and generally a profitable business. I know that there must and will be a difference in the prices of goods between their price in an exporting, and their price in an importing country. That difference must be the expense of importation and a profit: but if any of these are protected articles, which of them was as cheap here as they were abroad, adding the charges of importation, but not the tax?

And yet, sir, the promise has been, that they should be as cheap here as abroad; and this is the only solid ground on which the protecting system has or can be defended. The gentleman, to support his position, should show, not that the price has fallen since the duty was increased, for that may have been caused by the fall abroad, or the greater cheapness of the raw material; but he should prove that the fall here has kept pace with and outrun the fall abroad, and, in fact, that the price here is as cheap as in other countries. On examining the evidence of facts, and comparing the price here with the price of similar articles abroad, I believe it will be found that, if the price here has fallen, it has been preceded and caused by as great, and often a greater decline in the prices in other countries. Such surely was the case in 1828. For though the market here was overstocked, yet so far had the goods fallen abroad, that when our increased taxes of that year went into effect, the goods subjected to it could not be re-exported, with the drawback of the duty, and find a market abroad, without greater loss than was sustained by their sale here, with the heavy and increased taxes on them.

Mr. KENNON said that he did not consider the resolution as of great importance, and could not bring his mind to treat the subject with that great solemnity which some gentlemen might think becoming. He was against the resolutions, against the amendment offered by Mr. STEWART, against the speech by which both had been sustained, and also against the speech of Mr. HOFFMAN, by which both had been opposed. He was also against the decision given yesterday by the CHAIR, viz. that the gentleman from Pennsylvania had transcended the rules of the House, not that his decision was in itself incorrect, but because it might be that the gentleman from Pennsylvania had prepared a long speech on the tariff, and no other opportunity occurring, it might have done very well to stick it into the present debate. The House might have thus lost a vast deal of valuable information from the blacksmiths, hatters, tanners, farmers, and all other sorts of people in the gentleman's own district. He was against the speech of the gentleman from New York, [Mr. HOFFMAN,] because he had said that an inquiry of the gentleman from Pennsylvania [Mr. STEWART] had nothing in it; whereas it would be found that there was a great deal in it, when taken in connexion with the fact that the gentleman had voted against the bill of last year. He was opposed to the resolutions offered by the gentleman from Massachusetts, and to the doctrine involved in them. Did the gentleman really want information, for himself, as to what articles were necessary to this country in time of war? and, if he did, was that fact officially before the Executive? It was not. The President's information, as an individual, was possibly not better on this subject than that of his predecessor.

But it was not for facts that the gentleman was calling. He was calling for the President's opinions. These might be called for either by a friend or an enemy of the President: by his friend, with a view thereby to influence that House, or by his enemy, for the purpose of condemning and opposing it. Mr. K. was opposed to both, and therefore opposed the call. Suppose the President should have recommended the erection of a certain great seminary or college in the centre of the United States, with a suitable number of trustees, and the gentleman should call upon him to say whether he meant the geographical centre of the Union, or the centre of population; and where was the spot. And the President should reply that he meant the centre of population, and that centre was at the city of Cincinnati. The gentleman having got this answer, might immediately set to work to ridicule it, to show that the true centre was some miles from that spot.

The gentleman would next call on the President to say what he meant by a "suitable number" of trustees; and if the President should answer seven, then the gentleman would argue, probably, to show that this was ridiculous, and that twenty-four was the proper number. Now he was against all calls for purposes like these. But he was opposed to the resolutions, on another ground. The gentleman had sustained his resolution on the assumption that the reply of the President was to be received as pointing out those objects to which protection was ultimately to be restricted, and was, therefore, in effect, to decide on and guide the policy of the nation. If the President replied, and the position of the gentleman was true, he was taking the direct means of defeating the interests of his own constituents. If Mr. K. were now, or ever had been, unfriendly to the gentleman from Massachusetts, his desire would have been: Oh, that he might write a book; that that book might be a poem; and that poem be called "Dermot McMorrogh."

[Here the SPEAKER called Mr. K. to order.]

Mr. K. said he would not say what he had intended to say; but he could not consent to place any body in the situation this call was intended to put the Executive in. The President might answer the gentleman's call by saying that the objects he meant were food, clothing, and the munitions of war. Well, he must then be called on to go further, and say what sort of clothing he meant. The President might then say, perhaps, that he meant the coarsest kind of cloth. This would furnish a new ground of attack, and the gentleman might go on to show that the proper sort of cloth to clothe the army would be just that sort which was made by his constituents, and which enjoyed the highest protection. Calls of this description could produce no good, and must only lead to endless and unprofitable discussion. He therefore moved to lay the resolution on the table, but consented to withdraw the motion at the request of

Mr. STEWART, who said he was much obliged to the gentleman from Ohio [Mr. KENNON] for withdrawing his motion to lay the subject on the table, and he would return him his thanks for the grave lecture that he had undertaken to deliver to gentlemen on all sides with regard to the disorderly debate in which they had indulged: but he should be very sorry to follow his example in the cold, deliberate, unprovoked, and disorderly attack he had made on the venerable and distinguished gentleman from Massachusetts, [Mr. Adams,] which, however, he hoped the gentleman from Massachusetts would not condescend to notice. His object in rising was to offer an amendment; and since he was up, he would avail himself of the occasion to say a few words in reply to the gentleman from New York, [Mr. Hoffman,] who, he understood from his friends, had made a severe and personal attack on himself in his absence. [The Chair said he had not done so.] Mr. S. said he was glad to be corrected, but when he came into the hall, the gentleman from New York was speaking of Egyptian darkness, and, he understood, he commiserated his situation. [Mr. Hoffman said he had not done so.] Mr. S. said he had said that, with regard to the gentleman's reasons for the sudden change his opinions had underwent on this subject, he was in Egyptian darkness, and the gentleman's remarks in explanation of his course had but rendered the "darkness more visible;" he had but mystified what he had attempted to explain. But some light had been shed upon this mysterious charge from another quarter. Some light had broken in on this point from the South. The gentleman from Georgia [Mr. Wilde] had very distinctly intimated that an opinion prevailed, that the friends of a distinguished individual in New York who had received the votes of the South for Vice President, [and among his friends was the gentleman from New York, Mr. Hoffman,] would not prove true to the understanding: that there was some shuffling in the ranks. The gentleman from Georgia had referred to letters from the Governor and other distinguished men in New York against the repeal of the tariff, and said nothing but the votes, ay, the votes, of gentlemen, could relieve them from this suspicion. Measures were to be given up for man. The party in the North were to repeal the tariff, and the party in the South were to go for their man. Now, if such a bargain existed, and it was not for him to say how it was, it ought to be fulfilled. If the gentleman from New York has sold out, he ought to comply; for a bargain is a bargain, whether it was justifiable in its nature or not; and if the gentleman, instead of mystifying, had said he had changed his course for this reason, by contract, he would have understood him. But the gentleman from Georgia had said that, instead of a repeal of the tariff, certain political doctors had concocted a dose of "cold steel, blue pills, and gunpowder," which was to be administered by the surgeon general to cure nullification. Reduction of the tariff had been tried as an anodyne; it had done no good; it had aggravated and increased the malady, and it had now arrived at a crisis. Desperate cases sometimes required desperate remedies; and as this prescription had been made by a doctor of their own choosing, they ought not to decline, however disagreeable, to take it: he thought it the only thing that could now effect a cure.

The gentleman from New York has said that I have joined the nullifiers; not so, as his votes and whole course would show he had merely warned the gentleman against the danger of disaffecting the sound portion of the community, by making them victims to the demands of those who never could be satisfied. The gentleman says, when the people require relief from taxation, I propose prohibition. The people! Who among the people had complained? What do they know of what is here going forward? Have they been consulted? No; but they and their interests, it seems, are to be traded and trafficked away by political gamblers. The gentleman says we ought to act promptly; that the eyes of the people are upon us. Yes, sir, they are; and he rejoiced that, from the recent developments to which he had referred, they might see more than the gentleman desired they might see—that their interests were here made the subject of political arrangement and traffic.

The gentleman has said that my system of protection is confined to iron: not so. Who was so blind as not to see that if Pennsylvania lent herself to the gentleman's plan of destroying the protection of every other interest, that the next hour the gentleman might turn round and propose the repeal of the duty on iron. Who was there to stand by Pennsylvania in support of this solitary interest? None—no, not one. She would be deserted, and she would deserve it. He, for one, was not thus to be seduced by so flimsy a contrivance.

The SPEAKER called Mr. S. to order: the bill was not under discussion.

Mr. S. proceeded: he was merely replying to the charges made against him by the gentleman from New York, who said that his system of protection was confined to iron; but since the Chair deemed it disorderly to reply to the gentleman, he would press this topic no further. He had confined his remarks strictly to a reply, and to the topics embraced by the resolutions. He had not advocated, as was alleged, prohibition; he had proposed, as the most certain means of reducing the revenue, and reducing the price of American manufactures, was to select those articles best adapted to the means and wants of our country, and to give them full and adequate protection, that the effect would be to attract capital and labor to these objects, and we would soon supply ourselves; and that whenever this was accomplished, the price would be reduced by competition, and the revenue would be entirely cut off by the non-importation of those articles from abroad. This was his proposition, and not to adopt, as the gentlemen had alleged, a system of prohibitions.

He would not extend his remarks. He would vote against the second resolution, calling on the President, for reasons already assigned: he would vote for the first resolution with the amendment he sent to the chair, as follows:

"Together with a statement showing the effect of the tariffs of 1824 and 1828 upon the prices of the foreign imports on which the highest rates of duty were imposed; whether the prices thereof, after the passage of said acts, were increased or diminished, and to what extent; also, whether the prices of articles on which the duties were reduced, have undergone a corresponding diminution."

Mr. S. then said that, in compliance with his promise to the gentleman from Ohio, [Mr. Kennon,] he was bound to renew the gentleman's motion to lay the resolutions on the table; this would test the sense of the House on the subject.

Mr. WICKLIFFE requested Mr. S. to withdraw the motion.

Mr. STEWART referred him to

Mr. KENNON, who consented.

Mr. STEWART having thereupon withdrawn the motion,

Mr. WICKLIFFE demanded the previous question.

Mr. ADAMS inquired of the Chair whether the previous question would include both resolutions, or apply only to the first?

The CHAIR replied that it would include both.

Mr. CLAY, of Alabama, now moved to lay the resolutions on the table; on which question he demanded the yeas and nays.

The SPEAKER said he must first ascertain whether the motion for the previous question was seconded.

The call for the previous question not having been seconded,

The question was put on laying the resolutions on the table, and decided by yeas and nays, yeas 95, nays 72, as follows:

YEAS.—Messrs. Mark Alexander, Robert Allen, John Anderson, William S. Archer, John S. Barbour, Robert W. Barnwell, Daniel L. Barringer, James Bates, Samuel Beardsley, John Bell, John T. Bergen, Laughlin Bethune, James Blair, John Blair, Ratliff Boon, Joseph Bouck, Thomas T. Bouldin, George N. Briggs, John Brodhead, John C. Brodhead, Churchill C. Cambreleng, John Carr, Samuel P. Carson, Thomas Chandler, Joseph W. Chinn, Nathaniel H. Claiborne, Clement C. Clay, Augustine S. Clayton, Richard Coke, jr., Henry W. Connor, Robert Craig, Thomas Davenport, William Drayton, Joseph Draper, John M. Felder, James Findlay, William Fitzgerald, Thomas F. Foster, John Gilmore, William F. Gordon, John K. Griffin, Thomas H. Hall, William Hall, Joseph M. Harper, Albert G. Hawes, Micajah T. Hawkins, Michael Hoffman, Cornelius Holland, Henry Horn, Henry Hubbard, William W. Irvin, Leonard Jarvis, Freeborn G. Jewett, Cave Johnson, Joseph Johnson, Edward Kavanagh, William Kennon, Adam King, John King, Henry King, Henry G. Lamar, Gerrit Y. Lansing, Humphrey H. Leavitt, Joseph Lecompte, James Lent, Chittenden Lyon, Joel K. Mann, John Y. Mason, Jonathan McCarty, William McCoy, Rufus McIntire, James J. McKay, Henry A. Muhlenberg, John M. Patton, Job Pierson, Franklin E. Plummer, James K. Polk, Edward C. Reed, Abraham Rencher, William Russel, Charles S. Sewall, Augustine H. Shepperd, Samuel A. Smith, Nathan Soule, James Standifer, Philander Stephens, Francis Thomas, Wiley Thompson, John Thomson, Gulian C. Verplanck, James M. Wayne, John W. Weeks, Campbell P. White, Richard H. Wilde, John T. H. Worthington.

NAYS.—Messrs. John Quincy Adams, Chilton Allan, Heman Allen, Robert Allison, Nathan Appleton, Thomas D. Arnold, William Babcock, John Banks, Noyes Barber, Gamaliel H. Barstow, John C. Bucher, Henry A. Bullard, George Burd, William Cahoon, John A. Collier, Silas Condit, Eleutheros Cooke, Bates Cooke, Richard M. Cooper, Richard Coulter, Thomas H. Crawford, William Creighton, jr., John Davis, Charles Dayan, Henry A. S. Dearborn, Harmar Denny, Lewis Dewart, John Dickson, William W. Ellsworth, George Evans, Edward Everett, Horace Everett, George Grennell, jr., Hiland Hall, William Hiester, James L. Hodges, Thomas H. Hughes, Jabez W. Huntington, Peter Ihrie, jr., Ralph I. Ingersoll, Joseph G. Kendall, Robert P. Letcher, Thomas A. Marshall, Lewis Maxwell, Robert McCoy, John J. Milligan, Jeremiah Nelson, Thomas Newton, Dutee J. Pearce, Edmund H. Pendleton, Nathaniel Pitcher, David Potts, jr., John Reed, Erastus Root, William Slade, Andrew Stewart, William L. Storrs, Joel B. Sutherland, John W. Taylor, Christopher Tompkins, Phineas L. Tracy, Joseph Vance, Samuel F. Vinton, Daniel Wardwell, John G. Watmough, Samuel J. Wilkin, Grattan H. Wheeler, Elisha Whittlesey, Frederick Whittlesey, Charles A. Wickliffe, Lewis Williams, Ebenezer Young.

The House then resolved itself into a Committee of the Whole on the state of the Union, Mr. Wayne in the chair, and resumed the

TARIFF BILL.

Mr. WILDE resumed the floor, and concluded the course of his remarks in support of the bill, as given above. He was followed by

Mr. VINTON, of Ohio, who said he did not rise to enter into an examination of the details of the bill now before the committee. For reasons which he would assign, he should vote against the bill, without regard to its particular details. One only, of all the great interests in the country, said Mr. V. makes any call upon Congress to act on this subject: he meant that which is devoted to the production of cotton, rice, and tobacco, commonly called the planting interest. It complains of being unequally burdened and oppressed by the existing impost laws. He proposed to examine this complaint, and should endeavor to show it had no foundation in fact; that whatever of depression of labor, and of decay, there may be in the South, might be accounted for from other causes of general influence on that section of the Union: after which, he should present some other considerations, which, with him, were insuperable objections against acting upon the subject at all at the present session.

The South then demands a repeal of the existing impost laws, and an abandonment of the settled policy of the country, upon the faith of which great interests have been staked; on the allegation that those laws are unequal, and oppress slave labor; that they throw upon that labor more than its just proportion of the public burdens: in a word, the whole controversy, so long and so obstinately waged on this subject, is a mere question of equality of taxation. It was to that question, therefore, he should invite the particular attention of the committee.

The allegation is, that the taxation imposed by the impost laws, under the forms of the constitution, is, in fact, in violation of its spirit and meaning; that, in this particular, the constitution has been abused, to the injury of the complaining party.

Mr. Chairman, when individuals enter into an agreement, and afterwards a dispute arises as to the manner of executing it, or if either party complain of what he may be required by the other to do, we go back and inquire into the circumstances under which the agreement was entered into—the motives of the parties, and, most especially, into the consideration to be given or paid for the several stipulations. These are the lights which reason and justice direct us to resort to as our safest guides. When public compacts are brought into controversy, we resort to the same aids, and decide them by the same rules of interpretation. Let us apply these rules to the question of taxation now made under the constitution.

The constitution of the United States is an instrument founded on various known considerations, and was the result of mutual conciliation, and concessions of powers and interests, by the several parts and sections of the confederacy. The slave, or property representation, was one of those concessions. When the constitution was formed, an objection was made, by the delegates from some of the States, that slaves ought not to be represented; that is to say, that they ought not to have a vote in the making of laws, or in the choice of the Chief Magistrate, whose duty it was to execute those laws. It was said, among other things, that slaves, being property, they were not parties to the constitution, and had no agency or voice in making it; and, therefore, their owners ought no more to have a vote for them, than the owners of horses and cattle in those States where slaves did not exist. To this it was replied, that slaves were persons as well as property, and had some of the rights of persons; and if they were taxed, as they would be, the burdens of Government, unless they were represented, would be unequal, some of the States having no property of that description.

This difficulty was adjusted by resorting to the great and acknowledged axiom in politics, that taxation and representation are the true measure of the value of each other. Direct taxation, therefore, was made the basis of representation in Congress, and in the choice of the President; that being the only mode of taxation capable, in its nature, of being reduced to perfect equality. On these terms the owners of slaves got a vote in their account, according to the rule fixed in the constitution for representation and taxation. So that the political power of the country is composed of two distinct ingredients; that which represents the freemen of all the States, and that which represents the property in slaves. At the time the constitution went into operation, the property representation in Congress was between one-eighth and one-ninth of the whole body: it is now between one-ninth and one-tenth. Under the last census, it will be about one-tenth—one-ninth may be assumed as the average for the whole time. If, therefore, more than one-ninth of all the revenues of the Government have fallen on that description of property, then they who represent it here have a right to complain; if it have paid no more, then they have nothing to complain of. And that is the question to be settled. Now, then Mr. Chairman, for the facts. The revenue of the United States, from the 4th of March, 1789, when the constitution went into operation, to the close of the year 1832, is composed of the following items:

Customs,	$594,338,000
Internal revenue,	22,204,000
Postage,	1,090,000
Public lands,	40,152,000
Bank dividends, sales of bank stock, and bank bonus,	10,883,000
Direct taxes,	12,702,000
Miscellaneous items, say	5,000,000
	$686,000,000

One-ninth of this amount would give a requisition of seventy-six million two hundred and twenty-two thousand dollars, as the proportion of the slave property, in compensation or payment for its political power. The direct taxes being twelve million seven hundred and two thousand dollars, the one-ninth of that sum paid by the slave property is one million four hundred and eleven thousand dollars, leaving, of the proportion chargeable on the slave property, nearly seventy-five millions to be made up from other sources.

Now, Mr. Chairman, let us look into the other branches of the revenue, and see if it have paid that much of them. He would first take the internal revenue, amounting, as stated before, to twenty-two million two hundred and four thousand dollars. How was that made up? It was derived from excise on stills; carriages; retailers' licenses, stamps, and stamped vellum, parchment, and paper; refined sugar, and sales at auction. By looking into the treasury returns, gentlemen will find that the portion of these taxes paid by the country north of the Potomac is very much larger than its proportion of representation in this House. But what portion of them, he would ask, was paid by the slave, and thus operated as a tax or burden on the profits of his labor? Was the slave a consumer, to any extent, of distilled spirits? Did the slave enjoy the luxury of a carriage? Have retailers' licenses been granted to slaves, or are they the persons who are permitted to frequent such shops? When did they use vellum, parchment, and stamped paper? And if, per chance, they ever enjoyed a morsel of refined sugar, has not its ordinary consumption been reserved for the more refined palate of the master, and of the freemen of the North? It would be as difficult to show what they have had to do with sales at auction, the only remaining source of these internal duties. He was then justified in saying that the slave labor has been, substantially, exempt from any of the burdens of this class of taxes. They have fallen elsewhere.

The next item is the one million and ninety thousand dollars paid into the treasury from the Post Office. This is in addition to the large sums raised annually from postage, to sustain the establishment. It surely will not be claimed that the master has been oppressed by paying postages for the slave. Will any one here deny that the postage tax has always been paid by the people of the North far beyond their proportion of population or representation? Has not a large sum of money been annually raised by this tax from the people of the North, and paid out at the South and West, to meet the deficiencies of the establishment there? Must not this be a charge on the profits of Northern industry? And do not the South and West enjoy this luxury, an invaluable advantage, in part, at the expense of the North? Let us go, sir, somewhere else in search of unequal taxation and oppression of slave labor.

The next source of revenue has been from the public lands. Of the forty millions of dollars paid for them, is it not notorious that a vast majority of it has been received from the free States? And even in the slaveholding States, the money paid for the public land can in no sense be called a tax on slave labor. The slave, it is true, works the plantation, and is a part of the capital of its proprietor. The horse of my constituents sustains the same relations to the farm and its owner. And the price paid for the land he works on can with no more propriety be called a tax on the labor of the slave, than in the other case, on the labor of the horse! It would be absolutely ridiculous to take up time to show that, of the ten or eleven millions derived from bank dividends, bank bonus, and sales of bank stock, the slave labor has nothing to complain of. We must then look exclusively to the customs for the alleged oppression and inequality. In what manner, Mr. Chairman, and on what articles of slave consumption, has the sum of seventy-five millions, chargeable on the slave labor for its representation, after deducting the direct tax, been paid? How does the slave pay more than his proportion of the customs? Indeed, he would ask, how he paid his proportion? Is it not a fact, that slaves on the tide waters are coarser and cheaper fed and clothed than any other class of productive laborers in the country, and, consequently, consume less in value of articles paying duties? Of the ninety millions of dutiable articles imported during the last year, he did not think it could be shown the slave population consumed more than about two millions. There were very few articles within the range of their consumption. The mass of that importation is made up of tea, coffee, sugar, wine, silks, laces, broadcloths, and other finer manufactures of wool, fine cottons, hardwares, linens, spirits, and many other articles of luxury; and of these the slave consumes nothing, or next to nothing. He did not know of any thing paying duties, except salt, coarse woollens, and blankets, that the slave habitually consumed. It was true, coarse cottons were also furnished them, but he believed nullification itself would admit they were purchased as cheap here as they could be any where. Now, sir, let us put this matter to the test of a little calculation. Take the Secretary's statement of the revenue for 1832 at thirty-one million seven hundred and fifty-two thousand, all of which has been applied to defray the expenses of Government, and extinguish the public debt. Suppose that sum had been raised by direct taxation. The assessment on the slave property, as it is now represented in Congress, would be nearly three and a half millions of dollars; and about three millions, as it will be represented in the next Congress. This is exclusive of the assessment on the free population in the slaveholding States. Now, sir, suppose the law of the last session had been in operation; a supposition which he had a right to make, since that act was complained of, and its repeal demanded. What portion, under the law of last session, of this sum of three millions and upwards, would the slave consumption of the last year have paid in duties, admitting (what is always disputed here) that the whole duty is a tax on the consumer? To appease the complaints of this interest, the duty on coarse woollens and coarse blankets had been brought down to five per cent. ad valorem, (a mere nominal duty,) by that act. The importation of coarse woollens and blankets amounted last year to one million six hundred and fifty-five thousand dollars. The duty, at five per cent., would be eighty-two thousand seven hundred and fifty dollars.

He believed the consumption of salt was estimated in Europe at one-fourth of a bushel per annum for each person; say half a million of bushels of salt for the two millions of slaves, duty ten cents per bushel, fifty thousand dollars, making, in all, one hundred and thirty-two thousand seven hundred and fifty dollars, being about one twenty-fifth part of what the direct assessment would be on the whole slave population. In this calculation, the whole quantity of coarse woollens and blankets imported into the country is supposed to be consumed by the slave population. But he doubted whether the boatmen and other laborers in the non-slaveholding States did not consume the half or more of them. The truth is, the slaves in the interior, above tide water, are almost exclusively clothed in fabrics manufactured on the plantation. Nothing is now paid by direct taxation; and, instead of relieving the few articles consumed by the slave from duties, it would be a matter of strict justice and right to assess high imposts upon them, so as to make the owner pay something for the political power he enjoys on account of the slave. The property representation of South Carolina, under the last census, will be about one-sixtieth part of the whole representation in Congress. If Government were to raise thirty millions by direct tax, the assessment on the slaves of that State would be half a million of dollars, which is, perhaps, twice or three times the amount of all the duties that will be assessed, under the act of the last session, on the imported articles consumed by the slaves, not in South Carolina merely, but in the whole Union. He was aware it would be said that the slaves ought not to be at all grouped into one aggregate, since, on tide water, they are generally clothed in imported cloths, while those in the interior wear little or none; that this mode of calculation, therefore, made too small an allowance for the consumption of those near the Atlantic, and did not accurately estimate the pressure on their labor. Let us then, Mr. Chairman, subject this matter to the test of individual calculation. Suppose fifteen millions are to be raised by direct taxation, which, he believed, was the water-gruel standard down to which the chairman of the Committee of Ways and Means proposed to reduce the Government. The assessment on the slaves of South Carolina would be two hundred and fifty thousand dollars, and on each of its three hundred and fifteen thousand slaves seventy-nine cents. Compare this with the indirect tax or duty the owners will payunder the act of the last session. And for this purpose, suppose the slave to be clothed in imported woollens, and allow for each slave, taking the whole population, large and small, male and female, a blanket and five square yards of woollen cloth per annum, which he presumed to be a liberal estimate. The account would stand thus:

Duty on five yards woollens, invoiced at thirty-five cents, at five per cent. - - -	7¾
Duty on one blanket, invoiced at seventy-five cents at five per cent. - - - -	3¾
Duty on one-fourth of a bushel of salt, at ten cents per bushel - - - -	2½
Cents,	14

Leaving a deficit of sixty-five cents out of the requisition of seventy-nine to be made up in some other way.

If the slave in Carolina consumes any other dutiable articles, or in greater quantities, he should be glad to be set right: and also that some gentleman would show how the remaining sixty-five cents were paid. Until that was done, he could not resist the conclusion that slave labor, so far from being oppressed, was, in truth, the most favored of any in this country.

We have seen, Mr. Chairman, what the property representation pays into the public treasury. Let me now, sir, direct your attention from these dry details to another view of this subject, and inquire what has been the value of this political power to that interest, and to the whole South. Has it not produced the most important results in the Executive administration, and in the legislation of the country? Is there any interest in the nation that has been so sedulously guarded, and so constantly and powerfully felt? Was it not the property vote, in the choice of the Chief Magistrate, that elected Thomas Jefferson over the elder Adams? and again in A. D. 1824, was it not the same property vote which gave to General Jackson that plurality which, in the opinion of the American people, conferred on him a just claim to the Executive chair? the denial of which by Congress was considered by the people to be an act of injustice towards him. Has not this property vote effected both of the great revolutions in the administration of this country, and the only revolutions that have ever taken place? Does this show it to be an oppressed interest? Has it secured to itself no valuable exemptions? By looking into the acts of Congress passed in 1807 and 1808, and also during the late war, making requisitions upon the States for militia for the service of the United States, it will be found those requisitions were made according to the militia returns of the several States, and not according to the rule of representation.

Is it nothing that the property representation shall have an important voice in deciding when the sword of the country shall be drawn, while the burden of drawing it is devolved on others? Was it not the same property vote here that made up the majority, which decided in its own favor, in the celebrated D'Auterive case, that when a slave falls in battle, or is disabled in the service of the country, the Government shall pay for the slave? While, on the other hand, if a farmer or mechanic be draughted as a militiaman into the service of the country, and he falls in battle, his widow and children are thrown unprovided for upon the mercy of the world. Who can tell what it may cost the country to defend this same property against the public enemy in war, or against its own efforts to liberate itself from bondage? Ought not that property, he would ask again, which enjoys this exemption, and has also an important vote in all the affairs of the country, to be content to pay liberally its portion of the public revenue without murmur or complaint?

Permit me, Mr. Chairman, for a moment to direct your attention to the general influence and practical operation of this property representation on the legislation of the country.

When the Government went into operation, this interest was put in possession of that power, and has, without interruption, enjoyed it since. At that time, the continental debt, and debt assumed by the constitution together, amounted to about eighty millions of dollars. The commerce of the country was in its earliest infancy; no one dreamed of the sudden expansion it was shortly destined to receive by the agitation of all Europe; direct taxes, like those now assessed by the States, were calculated upon as a principal resource to sustain the treasury; and, even in the year 1790, three years after the convention that formed the constitution, the impost yielded only three million and thirty thousand dollars, a sum insufficient to meet the interest of the public debt. Well, sir, in the enlarged expenses unavoidably growing out of the state of Europe, a direct tax of two millions per annum only was assessed in the administration of the elder Adams; and what followed? Why, sir, the very property representation that got its power to be paid for in that way, made war on the then existing administration on that account; and, as every one knows, the direct tax was one of the principal causes of its overthrow: and so very unpopular did that interest then make direct taxes by the General Government, that the experiment has never since been ventured upon, except under the severe pressure of the late war. And thus this power has practically got for itself an exemption from payment of the equivalent for which its representation was given.

One or two more facts, sir, on the subject of the oppression of this interest. Did it not lead the van in the embargo and non-importation acts which drove the commercial capital and industry of the country from the water to the land? Did it not take the lead in forcing that capital and industry, against all remonstrance, into the business of manufacturing? And now, when they have no place of refuge left, does it not threaten their annihilation? Did not this same property vote settle the Missouri question in its own favor? And was it not this interest that carried the Indian bill in 1830-'32? The property representation is the only infusion of aristocracy in the constitution. And whoever looks into the history of the United States, must be satisfied it has been incessantly applied to the industry, capital, legislation, and Executive administration of the country, first as the lever, and then as the screw, and now it threatens to draw the sword upon us to enforce new and unconstitutional exemptions in its favor. He said he did not say these things by way of complaint, but in answer to the complaints of others; he was satisfied with the constitution as it is. But if Carolina and Georgia, or any other States of this Union, desired so to amend that instrument as to disturb the existing adjustment of powers, he should say no, till it was accompanied with a proposition to give up the property vote. He would then, and not till then, begin to think of making the bargain over again. The constitution is known, as he said before, to have been the result of compromise and concession of interests; and if any State or section of the Union, while it retains, even to jealousy, all the advantages secured to it by that instrument, shall come and ask or demand of others a concession of what is inconvenient to the party making the request, (but very important to those of whom it is made,) it cannot in reason be expected that propositions so made will be viewed with much consideration or respect.

Will Carolina give up her property representation if that property were relieved from all taxation, both direct and indirect? He was sure she would not. And if so, it shows she has the advantage on her side in this particular arrangement of the constitution. He thought he had shown that the slave property was not now, and never had been, an oppressed interest in this country. We must look to other causes than legislation for the decay and pressure complained of at the South. He should advert to some of them before he sat down. He believed this would prove a most mischievous bill to the South; he referred, in particular, to the provision it contained for the admission of cotton into the United States free of duty. Nothing short of experimental proof will satisfy the cotton-growing interest that it derives any benefit from the duty now imposed. Should the bill pass into a law, he had no doubt that, in a very few years, loud calls would be made on Congress to restore the duty for protection against foreign competition; and, for one, he hoped it would be restored. Next to England, our own is the largest cotton market in the world, and is now occluded from all competition. Is it not quite apparent that the opening of so large a market to competitors will give a stimulus to the production of cotton abroad, and, to the same extent, produce a contrary effect at home? And is it not more than probable that the stimulus thus given to production would depress the price abroad as well as at home? If the cotton-producing labor be depressed, as is alleged, is it not important to it to retain the exclusive possession of our own increasing and lucrative market? Can it be politic for a depressed and sinking interest to invite competition? The astonishingly increased and increasing consumption of cotton in all Europe and America, has directed the attention of the whole world to its cultivation, wherever it can be produced, and especially in those countries where human labor is most cheapened and depressed—in the East Indies, Egypt, Brazil, and other parts of South America. Is it not a fact that the home market is the best market, first served, and at the highest price? And what security has the cotton grower it would be so under the operation of this bill? He said these things, because the prosperity of the cotton and sugar industry was of the very first importance to the country he represented. If he were satisfied the planting and manufacturing interests were incompatible with each other, and could not stand together, he thought it would be better for the Western country that the manufacturing interest should fall; but he would decide between them as he would between his right and his left arm.

They both opened great markets for the staple products of the West, and every farmer in that country that follows the plough has a deep stake in sustaining them. All of the great departments of industry in this country are dependent upon each other; they are interwoven and wedded together in a thousand ways, and cannot be dissevered without violence to all. As the production of cotton and sugar is the most profitable employment of the labor of the slave, we, of the upper country, supply almost every thing that is consumed on the plantation, especially in Louisiana. And to give you some idea, Mr. Chairman, of the minutiæ to which the supply descends, he would state that hay was carried in great quantities from the very sources of the Ohio to Louisiana, a distance of near two thousand miles, and there sold at a fair profit. We send our flour, beef, pork, lard, and other products, around to Mobile, Savannah, and Charleston, for the supply of the planters there. So important did he consider these cotton and sugar interests to be to his constituents, that he had never lost an opportunity to vote for any measure calculated to sustain or advance them. Accordingly, in the session of 1823-'24, when a distinguished gentleman from Virginia moved a reduction of the sugar duty, he had voted against it, when it escaped a reduction by a majority of three votes only, which, perhaps, might have been its ruin. Again, in 1826, being satisfied, after careful inquiry, that the reduction of the duty on French wines would essentially enlarge the cotton and tobacco markets in that country, he, with one other gentleman only of all the delegation in the Western country, voted for that law. The West was opposed to it, under the erroneous impression that it would diminish the consumption of spirits distilled from grain. The law, he believed, had had a happy effect upon that trade, even beyond what was then anticipated. Again, in 1828, on the representation of Southern gentlemen that their country was well fitted to the production of indigo, he had voted to lay a heavy duty upon it. In that, however, they were mistaken, and it had turned out to be a tax on the whole country, without benefit to any body but the foreign manufacturer. He mentioned these things, not because they were of great moment, but to show the principle and feelings upon which he had acted in respect to Southern industry. He had at all times voted to protect and encourage it. He had done, and he would do, the same thing for Northern capital and industry. In the face of every clamor he would "be just and fear not." For year after year he had listened to excited complaints of the oppressive influence of the manufacturing industry on slave labor. He had anxiously inquired into the subject, and with the sincerest desire to learn the truth, and yet had never been able to comprehend how it was that interest suffered, though he thought he could see how it was most materially benefited in the creation of an important home market for cotton. It was now little more than a quarter of a century since the cotton production grew up into any importance in South Carolina, and his inquiries had resulted in a fixed conviction that whether that State remained in or went out of the Union, that another quarter of a century would substantially put an end to the business there. The causes that were working its overthrow in Carolina were beyond the control of your legislation; it had no power to save it. He had already adverted to the powerful competition that was preparing to meet it in the world abroad, of which the fact that one hundred thousand slaves had been imported into Brazil during the last year, gave an appalling admonition. It had a still more formidable rival at home. The valley of the Mississippi could produce cotton enough to supply the consumption of Europe and America. One hand will grow as much cotton in Alabama or Louisiana, as two in South Carolina. As a natural consequence of this, we see the capital and labor of all the Southern States hurrying away after a more profitable investment as fast as the water runs down the Potomac; and it allures away, for the most part, precisely that description of labor and capital which are the most productive, and the loss of which is felt with the greatest severity. The young, healthy, and athletic slaves go away, leaving the superannuated and unprofitable behind, who are oftentimes a burden on their owners. This process will continue to go on till the rate of profit in the production of cotton on the rich lands of those fertile regions is brought down to the common level of the profit of capital devoted to other pursuits. When this condition of things comes, as come it must, the South Carolina planter, upon his exhausted and comparatively sterile soil, can no more stand the competition with his Western neighbors, than the people of New England could compete in the growing of wheat with Pennsylvania, Ohio, and the interior of Virginia; and that too, not for home consumption, but to be sent abroad to carry on the competition in the markets of the world. That the production of cotton is rapidly coming down to this condition of things in South Carolina, is conclusively shown by the fact that within the last thirty years the quantity of cotton produced in the United States has increased almost tenfold, and has nearly trebled since 1820, while the population of the cotton-growing States has increased in a far less ratio.

The struggle of South Carolina against the laws of capital and labor must be ineffectual. Can secession from the Union give her any relief? Will it not plainly accelerate this condition of things? If Carolina were separated from the Union, immediately the duty of three cents per pound upon her cotton would be exacted on importation into our markets. In other words, it would give to the other cotton-growing States the exclusive possession of the home market. And this, in its turn, would give a new and powerful impulse to the emigration of capital and labor. Secure in the enjoyment of the home market, they would forthwith go abroad, with increased activity and strength, into the competition for the markets of the world. Is it not apparent that Carolina must, in the end, take refuge from this unequal competition in manufactures and the mechanic arts; and that she will be obliged to bring into use the almost unrivalled water power which is to be found there, and in all the Southern States above tide water, and on the slopes of the Alleghanies? In this, she has a latent wealth and strength, of which no rivalry can dispossess her.

Mr. Chairman, permit me to advert to one topic connected with this subject, which has been constantly presented to the House for years past; the comparative prosperity of the North and the South. It is made use of to prove every thing. If you ask how, and on what articles of consumption, the South pays more taxes than the North, instead of a specific answer, you are told, in general terms, that the South has a fairer country and better climate than the North; that the latter is now rich, and the other poor; and this is relied on as conclusive evidence that the South has been robbed and plundered by your legislation, for the benefit of the North. In the eagerness to blame the tariff, all natural causes, all ordinary circumstances, and especially the influence of the habits of life, are wholly overlooked. He would put a case, which might not be exactly in point, but approximated somewhat towards the truth. Let it be granted that, taking a whole community together, the labor of one person is competent to the support of two; and let it also be admitted that slave labor is as persevering, skilful, and productive as free labor. Now suppose two communities in juxtaposition, each having a million of people; in one the half, and in the other the whole population shall labor. Upon this hypothesis, one would just make the two ends of the year meet, and accumulate nothing; while the residuum of the product of the other, after supporting itself, would be precisely equal to the support of a million of people; that is its accumulation. At the end of the first year, the contrast in the condition of the two might not be very striking; but this operation is repeated from year to year, for near half a century; in the one, every thing remaining nearly stationary, without any new employment of labor or capital; in the other, the accumulation of each successive year is carefully invested, it becomes itself an active principle, it multiplies employments, divides labor, puts machines in motion, more powerful and productive than hundreds of men. And now, sir, the contrast outstrips imagination itself.

Let me put a case a little nearer the ordinary walks of life. Suppose two young men, each inheriting fine estates, should set out in life together; one worked hard, and as his children grew up they labored with him, and all lived economically; his farm was well cultivated; his fences kept in good order; his stock of cattle and horses increased, and every year a little money was put out at interest, or invested in the purchase of additions to his farm, until, by the time his children are grown up, he is independent in his circumstances, and able to give them a good setting out in life. As for the other, if one-half of the family worked, the other was at play; he and his children went to horse races, wine parties, and places of amusement, until, by the time his children were grown up and ready to leave him, his farm was exhausted by bad cultivation, his fences gone to decay, and himself in debt. He now looks over into the fair fields of his neighbor, and takes it into his head that he has robbed him. Straightway he goes to him and says, "How is this, sir? Had I not, when we set out together, as good a farm as you? You are now rich, and I am poor; it is plain you have robbed me, and I will not submit to it any longer; the case is past all argument; you must surrender at discretion, and with becoming spirit, or I will proceed to 'nullify' you." Do you think, Mr. Chairman, that that man would listen to such a demand with much complacency, or disposition to obey it?

He had not said, and should not say, that the case of South Carolina and New England was parallel to the one he had now put.

But was it true that the South was going to decay? What are the evidences of it? Had not the products of her industry and her population increased? He imagined the decay complained of was to be found in the altered condition of that class which formerly held in its hands the wealth and influence of the country, rather than in a diminution of that wealth in the aggregate; it had changed owners, and the number of owners had been multiplied. He had often heard described, in glowing colors, on this floor, and in private circles, the wealth, and splendor, and hospitality of those colonial mansions at the South which are now in ruins. The revolution had, doubtless, brought about this change; but the legislation of Congress had had no agency in producing it. The spirit of the age required that the colonial laws of primogeniture and entailment of estates should be abolished. Their repeal had now broken those estates into fragments, and forced upon that class a reduction in the scale of living. We were now entered upon the second generation since their repeal, and had arrived precisely at that point where the pressure of the change was felt with the greatest severity. If any are willing to sacrifice the prosperity of the many to the happiness of the few, the States at the South have only to restore those laws, and again they will see the broad manor; the stately mansion will rise from its ruins, and become, as before, the seat of elegance, of luxury, and of refined hospitality. Whatever influence the legislation of Congress may have had upon the South, the causes to which he had adverted were, in his opinion, sufficient to account for all the changes there.

But, he said, if for no other cause, he would vote against the bill, on account of the state of our legislation on the subject of the tariff, and the attitude South Carolina had assumed in respect to it. At the last session we had staid here at the public expense near eight months, to adjust this question on a permanent basis. We had made a general reduction in the scale of duties, and brought down the duties on those articles consumed by slaves, and were said to oppress slave labor, almost to nominal rates, and far below what is paid by the free laborer on most of the articles consumed by him. We were called upon to allay the excitement in Carolina; to act in the spirit of conciliation, and by concession to save the Union. Influenced by these motives and considerations, he had voted for the bill of last session, against his better judgment; and when he found, along with the Middle and Western States, the votes of one-half of the South, and one-half of the North in favor of the bill, he did suppose that the question and its animosity were at an end. But the law had been spurned at, resented as a new insult to Carolina, and made the occasion of new demands on her part. That State had proceeded, under the assumed forms of law, to ordain that it should never be carried into execution in her territory; and she is now openly preparing to execute her determination by an appeal to the sword. The convention which adopted that ordinance had put forth an address to the people of the United States, in which they demand a repeal of the existing revenue laws, and a total abandonment of the principle of protection, as the only condition on which South Carolina will remain in the Union. But, they say they are willing to make a large offering to preserve the Union; and, as a concession on their part, they will consent to a law which imposes a uniform rate of duty on all imported articles, in case the revenue raised by the law shall be limited to such amount, and to such purposes, as South Carolina (not Congress) shall think necessary and proper. In this plan of taxation, they "are willing to acquiesce in a spirit of liberal concession, provided they are met in due time, and in a becoming spirit."

Now, sir, he could not but feel, that to pass a law while that ordinance and address were unrecalled, would be to disgrace Congress, and dishonor the nation; it would plant the seeds of rebellion in every State in the Union. The convention had not deigned to tell us what is meant by "a becoming spirit;" and he knew not what it was, except, indeed, it be, in the spirit of submission, to vote the repeal on our bended knees. The convention did not, and could not expect a compliance; its language is not couched even in terms of ordinary civility; it is the language of a master to a slave. A demand, under such circumstances, and in such form, of an abandonment of the principle of protection, and the abolition of discriminating duties, is, in effect, to demand, in a form unknown to the constitution, an amendment to that instrument, of vital moment to the Union; which, if yielded to, will not only supersede hereafter amendments and redress of grievances, according to the forms of law, but will forever, and effectually, prostrate the power of Congress before the mandates of State authority. No one can avoid the conviction that the convention desired no accommodation; that its real object was the prostration of the authority of Congress: since the ordinance and address, it had set up pretensions, with an avowed determination never to yield them, which it must have known could never be acceded to. What nation, Mr. Chairman, ever was there on earth, which had a custom-house, or collected a dollar on imports, that had not had, as between different articles, its discriminating duties? Can any gentleman imagine for a moment that, if such a pretension had been set up and insisted on at the time the constitution was made, that instrument would ever have been adopted? a pretension opposed to the uniform experience and settled opinions of all nations, both then and now. But such, sir, is the concession on her part, and such the condition on which alone South Carolina will consent to obey your revenue laws.

He had nothing to say upon the doctrines and theory of nullification and secession, which the gentleman from Georgia, [Mr. Wilde,] who last addressed the committee, tells us will be carried into execution, if we attempt to enforce obedience to our laws. They who choose may elaborate theories of Government, and embody them in the form of resolves. To that he had no objection; they had an undoubted right to do so. But this much he would venture to say, in reply to the gentleman, that, if an attempt to carry out these doctrines and put them into practice was ever made, it would be met at the point of the sword. Whoever examines the geographical structure of the country, and the dependency of its parts, must be satisfied of the truth of what he now said. These doctrines go not merely to subvert the Union of these States, but to reduce the great interior of the nation, destined to contain a vast majority of its population, to a state of absolute vassalage to its Atlantic exterior. Let Louisiana, for example, secede, and form an independent Government—does she not lay tributary to her the whole interior, from the summits of the Alleghanies to the Rocky Mountains? Is it a question to be reasoned about? Must not we on the Ohio, and they on the Missouri, for common preservation, and of common necessity, draw the sword, and cut a passage into the Gulf of Mexico?

If the principle be established any where, it becomes the law of all, and the right of all the States in the Union. How long, sir, might it not be, before a spirit of cupidity might seize upon New York, and she be induced to think that, of right, she ought to enjoy, in a separate Government, those advantages of nature, which made some of her keen-sighted politicians of that day averse to the restraints of the present constitution? Cut off, on the right and the left, from access to the ocean, what should we be but "hewers of wood and drawers of water" to those who laid us tributary? And that is not all, sir, so far as respects the State from which he came. Under the guaranty in the constitution, "that the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States," we claim the right to go and come about our lawful business, when and where we please, within the limits of this confederacy. Trusting to that guaranty, the people of the State of Ohio had, with great effort, and at much expense, united the waters of the Gulf of Mexico with those of the Hudson and St. Lawrence. And in the completion of the public works now in progress in Pennsylvania and on the Potomac, they look forward to important outlets through the Delaware and Chesapeake. Could they suffer these avenues to their country to be seized upon, and this constitutional guaranty wrested from them, by those who hold the keys that unlock the interior? Are not New Hampshire and Vermont wholly at the mercy of Massachusetts and New

York? To the whole line of interior, from New Hampshire to the Rocky Mountains, embracing a great majority of the territory of the Union, and nearly half of its population at this time, it is nothing more nor less than a question of submission and slavery. In all that region, to the obligation of the constitution to preserve the Union nature has superadded the obligation of necessity—a necessity that will exist, undiminished in force, while the waters of the Mississippi shall move on in their courses. Constitutional obligations, sir, may be broken down; but the laws of nature cannot. The North and the South may find an interest in separation; but the interior never can. And, whether the attempt be made in New England or in South Carolina, it requires no spirit of prophecy to foretell that the whole interior will draw its united sword to put it down. Sir, the anchor of our Union hangs upon the great interior. Every year will imbed it deeper and deeper, and give it increasing strength and tenacity, until, after another generation, it can never be dragged up from its immovable moorings. He had no fears for the Union; because nature had invested the interior with authority, for its own preservation, to command the public peace here on the Atlantic, and a little time will give it power to see that its mandates are obeyed.

The gentleman from Georgia had called upon all the great interests in the country, and all the parties in this House, to aid in carrying this bill, and had threatened all with disunion, as the consequence of refusal. He had thought proper to invoke the friends of the Vice President elect to vote for the bill, and not to lose the present opportunity, lest the friends of two distinguished Senators should make common cause in favor of Carolina, against what he was pleased to denominate "the giant and the magician." Respecting the plain inference from this invitation, that the Vice President and his friends here are capable of acting, on this great question, from personal motives, he had nothing to say. The keeping of the honor of the Vice President, or that of his friends in this House, was not committed to his hands; they might vindicate his and their own honor in such way as they thought proper. As the friend of one of the Senators, he felt he had a right to speak. He spoke for himself only, not for that Senator, or for others of his friends. We had fallen, it is true, but, nevertheless, we stood "by our principles, and upon our principles." Though we had fallen, South Carolina must expect no aid or countenance from us. The gentleman should have remembered that protection to industry, and obedience to the laws, were inscribed on our banner. That banner is yet unfurled. The call for aid comes too late. If, on the nomination of Mordecai M. Noah, in 1830, instead of giving, by his casting vote, the seal of approbation to the corrupt and proscriptive doctrine that "to the victor belong the spoils of victory," he had then cried from the watch tower that the citadel of liberty was about to fall by sap and by mine, and had then come to the aid of freedom of opinion, he would this day have stood forth prominently before the American people, in the great moral revolution that must have followed. But he thought proper to throw his influence into the contrary scale.

Since the gentleman from Georgia had thought proper to introduce the name of the late Vice President in connexion with this subject, he would take the liberty to say that, in his conscience, he believed it was the disappointed and repressed ambition of that individual that now agitated South Carolina. Do not you think, Mr. Chairman, that if that individual could attain, or had a prospect of attaining, the object of his desire, the gathering tempest would soon disperse, and, in place of the lowering cloud that now hangs over the horizon in Carolina, the sun would shine as clear, and all the elements there become as calm and joyous as in a lovely summer's day?

The gentleman, sir, has avowed his determination to oppose the President, the man of his own choice, in the execution of the laws. From what he said, it is evident that gentleman had supported the re-election of General Jackson for the very reason that he [Mr. V.] had opposed it. He [Mr. V.] had long foreseen the crisis at which we had now arrived. He had looked anxiously on upon certain transactions in this country, and examined critically the tendency and consequences of certain doctrines which had emanated from the Chief Magistrate, and he must say that he was filled with fear and trembling lest the laws should go unexecuted, and the Government be suffered to run down into absolute anarchy. We had both been disappointed, and at the point where the gentleman deserts the President, to oppose the laws, he pledged himself, for one, to come up to his aid to enforce their execution. The gentleman, in that part of his speech, demanded to know if we intended to keep up the tariff to provide the means of carrying on war against South Carolina. He would answer, no. We have no power, under the constitution, to make war on Carolina, but we have power to suppress insurrection there, and he trusted, if necessary, it would be done. He had also emphatically told us, that "if nullification is at an end, revolution has begun." This, sir, is a case in which the name will be determined by the result; and, until success be attained, the gentleman must permit the friends of the constitution to call armed resistance there by the less grateful name of rebellion. The gentleman made an attempt to throw obloquy on the idea that liberty was to be maintained by force. He seems to understand liberty to be the right of every man to do as he chooses without restraint. Whether the gentleman got his idea of liberty from a certain foreign professor in South Carolina, or imported it himself, he knew not; but he did know that it was not of American origin. It was but another name for anarchy, and he agreed with the gentleman, such liberty was not worth the employment of force in its cause. American liberty, sir, is a regulated right; it is the right of every man to do as he chooses, subject to the restraints imposed by the public will for the public good. It was to obtain liberty, in that sense of the term, that our fathers had freely poured out their blood, and to preserve which, if needs must be, he trusted it would again be as freely shed.

And last of all, sir, the gentleman has ventured upon the first regular beat up for volunteers to rebellion that we have had on this floor. He calls upon the Southern States to resist, and form a Southern confederacy. He has assured us they will resist, and will succeed. According to the fashion of the day, the question is presented as though the longer continuance of the South in the Union was a matter of favor, not of interest. Is this true, Mr. Chairman? Has not the South as deep a stake in the Union as any portion of our wide-spread empire? He cheerfully admitted that, in bravery, in intelligence, and in firmness of purpose, the people of the South were not inferior to any in the Union. And with all these qualities, was it not true that the tide water region, below the Potomac, was the weakest and most exposed section of our country? The formation of the country, and the existence within its bosom of a large mass of a particular description of population, render it inherently weak. Are not the people of the North and West, to some extent, the natural protectors of that country?

The gentleman somewhat vauntingly assured us that Virginia will draw the sword for Carolina, and named the Potomac as the boundary of his new empire; but he wisely left its western limits undefined. He claimed no right to speak for Virginia; but he would venture to predict the gentleman was mistaken. There was in Virginia too much of good sense, of patriotism, of devotion to country, and too deep a stake there in this Union, for her to commit such an act of political suicide. He knew Western Virginia personally, and he knew it well. There was nowhere more devotion to the Union, more contentment under its laws; and it will prove a vain illusion to imagine that the people of Western Virginia will unite themselves to such a confederacy, formed on such principles, and thereby forever and irrevocably subject themselves to the dominion of that policy which they never cease to oppose and protest against. Does not the wide-spread territory of Virginia, in the very heart and centre of the republic, give to her a power and consequence and respect among her sister States, which her wealth, her population, and her resources, could not command for her if she were situated on the exterior of the Union? She must forever possess greater political advantages, from her geographical position, than any other State in the Union. What infatuation, then, can ever seize upon her voluntarily to throw away these advantages, to cast down the standard that her own Washington bore up, and array herself under the palmetto, the growth of another clime?

By thus making herself an exterior State of the new confederacy, would she not cast all these advantages into the lap of South Carolina? And, worse than that, situated on the frontier of a confederacy more populous, more abundant in resources, and possessed of a powerful marine, she must be ever exposed, by her open waters, and long line of inland boundary, to the ravages of unequal war. Has she not every thing to lose, and nothing to gain, by such an alliance? No, sir! Virginia will hold fast to the Union; and, aside from all considerations of patriotism and love of country, in which none excel her, the sleepless sagacity of her clear-sighted statesmen, and the intelligence of her people, will never betray her into such a step of political folly and stupidity.

There was one other heresy, which had been so often repeated on all sides of the House, that he could not refrain from noticing it. It was, that sooner than shed blood, it would be better to give up the Union; that when blood should be shed, the Government will be at an end. He thought this was setting too light an estimate on the value of the Union, and on its power to preserve itself. What people, sir, ever existed, who have not had seasons of civil commotion? And what Government is there on earth, however worthless, that has not defended itself against them? Can we expect that which has happened to all other nations will not happen to us in the progress of our history? And is this Government alone without the power of self-preservation? The causes of civil commotion every where lie deeper than the foundations of Government. They are the volcanoes over which Government is built, and the most it can do is to suppress their irruption, or ward off their violence.

The seeds of civil commotion are sown in the passions, prejudices, ambition, cupidity, and injustice of the individuals of which communities are composed. And when we consider the great variety of exciting principles in this extended country, it is wonderful, and we have great cause for thankfulness to the Supreme Ruler of the universe, that we have so long enjoyed a degree of tranquillity, prosperity, and happiness, such as has never fallen to the lot of any other people. But we cannot reasonably hope it will always be so. We must expect seasons of trial and peril to the Union will come; but he had an unshaken faith that, come when they may, it will prove triumphant, and go down to a glorious immortality. The fruits of this our Union show it to be the most precious Government the world ever saw. And, if necessary, we ought to sacrifice more of treasure and of life for its preservation than was ever offered up for any other cause. Sir, the constitution of the United States is the consummation of that liberty and union which our fathers purchased with blood, with suffering, and with treasure. It is a perpetual covenant between them and us, and our posterity. They have transmitted the precious inheritance to us, and we are bound, at every cost, to hand it down to those who shall come after us. And for one, horrible as the alternative may be, he would consent that every man of us on this floor should be swept away, that every river in the land should run with blood, and one-half of this fair generation perish by the sword, sooner than one word or syllable of that constitution should be obliterated by force. That constitution, sir, is more precious than blood. And if there are any in this House who do not feel the same fixed determination to sustain the liberties of this country, he was sure there were millions out of it who did. When force shall triumph over the constitution, the Government is at an end, and with it, the hopes of freedom, and the cause of liberty, every where are extinct. What he now said was not in reference to any existing excitement or disaffection, but of the value of the Union in the abstract, and of the cause of the Union, let any movement against it come whence it may, and when it may.

Mr. V. said he wished to advert to one other topic, and one only, connected with this bill, before he sat down. The scale of duties in this bill is framed upon the supposition that the public lands will continue to be a permanent branch of the revenue, and yield two and a half millions per annum. The fallacy of calculating upon the lands as a branch of the permanent revenue, has been repeatedly commented upon during the debate, on account of the very great probability there is that the public domain will cease to be a source of revenue, either in the way recommended by the President, or in the mode indicated in the Senate's bill, which passed at the last session, and is now pending in that body again, with every prospect of being sent to this House. He desired to suggest, for the consideration of the House now in advance of that bill, that the question whether the proceeds of the lands should be retained in the treasury, or divided among the States, after the payment of the public debt, was not a question of political expediency, as gentlemen seemed to think, but one of good faith and obligation. The history of that day shows that the great object of the cession of the public domain to the United States was the payment of the national debt. At that time the debt and other expenses of the General Government were provided for by requisitions on the several States, which raised their respective quotas in their own way. As these lands were ceded in this state of things as a common fund for the States respectively, it became necessary to create a common agent or trustee, to act for all in converting them into money. Accordingly, the cession of Virginia, for example, and to which the subsequent cessions conformed, was made to the confederation for the use of the States respectively, Virginia inclusive. The language of the deed of cession is in these words: "All the within territory so ceded to the United States shall be considered as a common fund for the use and the benefit of such of the United States as have become members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." This language shows that the confederation took the title but not the interest in the ceded territory: it took it to sell and pay out the proceeds—that it was a common fund—that it was a fund for the use and benefit of the States respectively or individually; in other words, that it was the property of the States; that it was owned by them in different proportions; the words, "according to their usual respective proportions in the general charge and expenditure," being used in the grant not to designate the objects of the grant, but to fix a rule by which to ascertain the share or interest of each State. As the lands were intended to pay the public debt, and sustain public credit, the proceeds were (as in good faith they ought to have been) specifically pledged for the satisfaction of the common debt of all. When the Government of the confederation was broken up, the agent or trustee ceased to exist. It therefore became necessary to create a new agent to dispose of the lands according to the objects of the grant, otherwise the grant must have been without an agent to execute its provisions. The new Government about to be created was the natural agent to do this. Accordingly, the constitution, in the third section of the fourth article, provides for this specific object in these words: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territories or other property of the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State." The qualifying clause reserves the rights of the States, and the clause itself gives a disposing power only over, not an interest in, the property. Nothing can be plainer than that the General Government holds as a trustee, and never had the use of the land invested in it. The convention exercised great caution on the subject of the engagements of the confederation. And they further provided, in the first clause of the sixth article, "that all debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation." The compact of cession was an engagement of the confederation; and the public domain now stands on the precise footing it did the day of the grant. The General Government, then, holds the public land ceded by Virginia, as a trustee for the use of the States, Virginia inclusive, subject to the payment of a common debt of all. When the debt is paid, the residuum belongs to the States, in the proportions prescribed by the deed of cession; and the trustee cannot appropriate that residuum to its own use, or give it away to a part of the States, without a breach of good faith, and violating its express obligations. The scale of duties, then, ought to be adjusted without regard to the proceeds of the public lands, after the payment of the public debt. And that will alter the whole structure of the bill. He was aware this view of the duty of Congress did not apply to the territory ceded by France and Spain; but it did apply to the country from which the great mass of that branch of the revenue was derived.

[The speech of Mr. V. is given above unbroken, but, after he had proceeded a considerable time, he gave way for a motion by

Mr. ARNOLD, for the rising of the committee.

The motion prevailed: Yeas 69, nays 62.

So the committee rose.]

In the House, Mr. SPEIGHT moved again to go into committee, and demanded the yeas and nays.

Mr. IRVIN moved an adjournment.

Mr. SPEIGHT demanded the yeas and nays on this motion. They were taken accordingly, and stood as follows: Yeas 75, nays 78.

So the House refused to adjourn.

[It was now past 4 o'clock.]

Mr. SPEIGHT renewed his motion to go into committee.

Mr. BURD demanded a call of the House.

Mr. TAYLOR said that, if the gentleman would withdraw that motion, he would assent to a recess till 6 o'clock.

Mr. BURD declining to do so, the yeas and nays were taken on calling the House, and resulted as follows: Yeas 55, nays 95.

So the call was refused.

Mr. SUTHERLAND now moved an adjournment.

Mr. WILDE demanded the yeas and nays—being taken, they were: Yeas 76, nays 86.

So the House refused to adjourn.

The question recurring on Mr. SPEIGHT's motion to go into Committee of the Whole on the state of the Union,

Mr. ARNOLD demanded the yeas and nays—being taken, they were as follows: Yeas 90, nays 75.

The House thereupon went again into Committee of the Whole on the state of the Union, Mr. WAYNE in the chair, and resumed the consideration of the tariff bill.

Mr. VINTON resumed the course of his remarks.

At about 6 o'clock Mr. EVERETT moved for the rising of the committee. The motion was negatived: Yeas 57, nays 63.

Mr. VINTON then resumed, and continued to occupy the floor until near 7 o'clock.

During the course of Mr. V.'s speech, he had observed that "he would sooner see every man who occupied the seats around him swept away; he would sooner see the rivers of this land run with blood, and one-half of the population of this fair republic perish by the sword, than see one jot or one tittle of that sacred constitution which had been bequeathed to us by our fathers, or of the laws, obliterated by force:" when a sudden cry was heard from Mr. McDUFFIE, of "Robespierre!" followed by some slight hisses from different quarters of the hall. The CHAIR called to order.

Mr. CARSON said that the gentleman had a right to give utterance to his indignant feeling at such a sentiment.

The CHAIR [Mr. WAYNE] replied that he was not clothed in vain with power to preserve order in the House, and he should not fail to exercise it.

Considerable sensation prevailed for a moment, but it soon subsided.

When Mr. VINTON had concluded his speech,

Mr. CARSON rose to explain. It had not been he (as seemed to be supposed by many gentlemen) who had uttered the expressive word "Robespierre," when the gentleman from Ohio had expressed a sentiment so monstrous. That word had been uttered by a gentleman over the way, who would never disavow his words. Deeply as Mr. C. felt, he should have remained silent; but when he heard the hissing which arose, he could not but express what he had done. But, my G-d! exclaimed Mr. C., what have we heard! heard it here! on the floor of an American Congress! That the gentleman would see every man on this floor swept off from it—all the talent, all the patriotism, all the noble spirits in that hall swept off! But was that all? No. But that he would see the rivers of this whole country run blood, and half the population of this our fair inheritance put to the sword, rather than that constitution should be violated, which Mr. C. had heard the gentleman himself declare to have been already violated, and which men, far superior both to that gentleman and to himself, believed to have been repeatedly violated—half the population! by which the gentleman meant his brethren—and this, after a sovereign State had pronounced the law in question to be unconstitutional!

Mr. VINTON here asked leave to set the gentleman right as to what he had said.

The CHAIR. Does the gentleman yield the floor?

Mr. CARSON. No; if the gentleman would but put himself right—

Mr. WATMOUGH here interposed, and called his friend from North Carolina to order. He begged his friend to suffer him to interpose, and step before him, to save him from himself, before any thing should be uttered which might be cause of lasting regret. The gentleman from Ohio had not said what the gentleman was under an impression that he had. The gentleman had been remarking on—

Here Mr. WATMOUGH was called to order by many voices; and the CHAIR admonished him that he was departing from rule.

Mr. CARSON said he would take the admonition of his friend, although he believed that his friend had been even more out of order than himself. It had been with deep regret that he had expressed his emotions at what he had understood the gentleman from Ohio to have said. The gentleman might attempt to palliate the sentiment; but, unless he wholly retracted, all attempts to explain it away would be unavailing.

Mr. VINTON now explained. He had made no use of the word "violated." A violation of the constitution might happen through mere misapprehension of judgment. What he had said was, that sooner than see the constitution obliterated by force, he would see the alternative he had mentioned. Because he considered that as a total annihilation of the constitution, which must put an end to the Government.

Mr. McDUFFIE said he was very sorry that he found himself under the necessity, from what had just occurred, of addressing the Chair at all. It had been his fixed purpose, and still was, to take no part in the present discussion: and he was very sorry that what had occurred in the House, rendered it now necessary for him to say a single word. When the gentleman from Ohio had uttered that sentiment which the House, he presumed, had heard with a portion of that abhorrence it had excited in his own mind, he could not help involuntarily making the exclamation he had uttered. He admitted that, strictly considered, it could not be said to be perfectly in order, though it was no more than what often happened in all parts of the world. As he had been out of order, he owed an apology to the House, but none to the gentleman from Ohio.

Mr. WATMOUGH now moved for the rising of the committee; but the motion failed: Yeas 68, nays 72. Mr. W. proceeded to address the committee in opposition to the bill. After he had spoken nearly an hour, he gave way to Mr. DENNY, who moved the committee rise, which was negatived: Yeas 60, nays 71.

Mr. W. proceeded, and concluded his speech. The following is the speech of Mr. W. entire:

Mr. WATMOUGH said that he had certainly cause to regret deeply the necessity which drove him or any other member to continue a discussion so important in all its bearings upon the welfare and happiness of the great body of the people of the United States, at an hour and under circumstances so little calculated to ensure it a patient hearing or a just issue. But, said Mr. W., since the committee has refused to rise, however loath I may be, from actual physical exhaustion, or unprepared, from any other cause, I shall not flinch from the performance of the duty I owe my country and my constituents. I promise, however, Mr. Chairman, to occupy as little of your time as possible, and shall endeavor to be as concise as the nature and importance of my subject will admit. I feel, sir, in common with my friends on this floor, the immense responsibility of our position, and am equally aware of my own incompetency to fulfil the paramount duties it involves. I am sustained, however, by the consciousness of an honest zeal, elevated above every consideration of a personal character, and cherished and animated by all those moral impulses which ought to govern the man who loves his country honestly and sincerely. It cannot be denied, sir, but that we have reached a fearful crisis in the annals of our country. A long period of the most brilliant prosperity is either about to be closed forever, and with it are to vanish forever all the brighest and surest hopes of the patriot and philanthropist, or the consequences and results of a wise and temperate system of legislation are to be continued and perpetuated to the benefit of our latest posterity. Never, perhaps, has greater responsibility devolved upon any set of legislators at any previous period. Never, certainly, has any Congress sat in this country under circumstances demanding greater fortitude, more singleness of purpose, more mature, calm deliberation on the part of every member composing it, than the present. What, sir, is it we are called upon to do? The abstract proposition upon which we are called to act, is sufficiently simple in itself, and in reference to it there is believed to be no difference of opinion whatever. "To reduce the revenue to such a limit as shall be consistent with the simplicity of an economical Government, and necessary to an efficient public service," is an object to which no man could have the hardihood to refuse his support, and the expediency and sound policy of which no one can question. The great and vital question now agitating the whole country, is the means by which this is to be effected with the least possible detriment to existing establishments.

When I returned to my own constituents at the close of the last session, Mr. Chairman, I congratulated them and my country that that great object had been effected, and although not in a manner to secure for it my vote, still that, by an overwhelming vote of both Houses of Congress, the revenue had been reduced to the wants, or nearly so, of the Government, the more immediate cause of complaint existing in a certain quarter entirely removed, while, at the same time, the vast interests in which they themselves were more immediately concerned, in common with a large majority of the people of the United States, were preserved from immediate ruin and prostration. Though little satisfied with the attempt that had been made, on grounds which they consider in no other light than as purely political, to sap the sources of their prosperity, and depreciate the value of their labor and investments, still, sir, they acquiesced, and, under a feeling of full security for the future, they set themselves to work, each in his several vocation, determining, by increased efforts of economy, to make up for what they had lost in protection from their country. They, as well as myself, sir, considered the bill of July, 1832, as a bill of compromise, and notwithstanding that, amid the general clamor against the tariff raised in the South, no facts of a material nature had been presented to their minds, either through the medium of this House, or the public prints. I repeat it, sir, no facts proving that ruin or any amount of ruin resulting from the protective system to their brethren of the South had ever been presented to their minds, sufficient to satisfy them of the necessity of a rapid and ruinous reduction. Yet, in the spirit of patriotism, and of a just and honorable submission to the laws of the land, they acknowledged the wisdom of Congress; and hoped that the policy which had been established from the commencement of the Government, and from which so much prosperity, both individual and national, has resulted, was at length fixed, and confirmed and perpetuated.

What then, sir, was their astonishment, I will not speak of my own, when, at the opening of the present session, the whole subject was again brought before us—new views presented—new grounds taken, and the same body whose voice had been so lately and so explicitly made known, again invoked to reverse their judgment, to reverse their painful and laborious discussions, to the entire exclusion of all other matters, either of private or public character; totally unsettle the value of some hundreds of millions of dollars, and disturb the even current of all commercial as well as manufacturing arrangements? And was not this the case, sir? Assuredly it was—it is. In vain do we ask the question, to what purpose? In vain do we endeavor to find out the defects of existing laws, which, although deemed sufficient some few months ago, are now denounced, without even having the benefit of a trial—the period of their going into operation not having actually arrived. Is there any fairness in such a course of public policy? Is it just, sir, to those who, upon the strength of the public faith as pledged by the laws of the land, invest their labor and capital in such mode and manner as these very laws have prescribed? Is it consistent? Above all, sir, is it creditable to our institutions, or to the intelligence of these Houses of Congress? Rather is it not highly injurious in its effects upon the opinions of all classes of men in the community?

It seems to me, sir, that if the worst and bitterest enemies of our country were deliberately to set themselves to work, to bring our institutions into disrepute, and destroy the affection now so ardently cherished towards them by our countrymen, they could devise no better means. It affects equally the farmer and the merchant. The farmer, whom it disappoints of the only market which foreign avarice and rapacity allow to his produce. Upon the merchant, whose arrangement it destroys, and whom it incapacitates from planning voyages of any length, for fear that, before they shall have become completed, other laws and other enactments may tend to deprive him entirely of all the benefits that his enterprises and assiduity have fairly entitled him to. Need I say what becomes of the manufacturer, whose very bread depends upon the fixedness of our legislation and the sound maintenance of the public faith solemnly pledged to him by frequent consecutive enactments? No, sir; that is too plainly told. Your tables groan under the weight of petitions and memorials sent in to us from all parts. Meetings more numerously attended than at any former period of our Government, and headed by the purest, soundest, and most intelligent men of all parts of the country, tell but too plainly the fate which hangs over them, and remonstrate, in terms not to be misunderstood, against the impending ruin. Legislatures, too, have sent their solemn protests against this unsettled and vacillating course of policy. That of the State which I have the honor in part to represent, with that good sense, integrity, and firmness, which has ever distinguished it, by a vote of the two Houses, of 115 to 14, nearly unanimously, has resolved that, in its "opinion, the bill now under consideration in the House of Representatives of the United States ought not to become a law; and that no reduction of duties ought to be made, calculated to affect the successful prosecution of our domestic manufactures, or in any way impair the faith of the Government, by which the enterprise of our own citizens would be checked, and successful domestic competition retarded."

This, sir, is language not to be misunderstood. It would be sufficient guide for me, even in the absence of that unbounded prosperity which is apparent throughout the wide extent of our whole country. What then is it, sir, that actuates us? what madness impels us? Let it be no longer concealed. There is no doubt there are other causes than the simple and purely patriotic one with which we have set out, that of reducing the revenue to a just scale to meet the wants of the Government; and there is certainly as little doubt on my mind that there should exist no intention on the part of this, or any Congress, hastily to abandon the ground so lately assumed, at the dictation, or under the pressure of the causes to which I allude; much less abrogate any of the great principles of the country under the pressure of circumstances which deny to it the exercise of a calm, deliberate, dispassionate judgment.

I mean not, Mr. Chairman, to add to the existing irritation, already sufficiently great, by any remarks of mine. I feel too warm an admiration, too high a regard for some of the distinguished individuals of the South whose feelings have become too deeply and sadly implicated in this matter, and whose sound and excellent judgments have of late become so fatally obscured. I seek to avoid every thing that may wound or harass; but, in so doing, I shall take good care to be unwavering in my own judgment, humble as it is, unflinching in my duty to my constituents, and above all, most faithful to the blessed constitution, which is and must continue to be the ever-during cement of our glorious Union. I have long anticipated the approaching crisis; I have long known that the gratifying period at which this great nation should afford the novel and truly sublime aspect of a nation disenthralled, disencumbered from public debt, could not arrive without bringing with it evils and developing springs of political action which might shake her to her very foundation; it was to be expected, but, being expected, it is to be met in a manner becoming the momentous exigency. The doctrine of State rights, sir, is the one which, if carried to the extreme we have lived to witness, predestined to threaten the total subversion of our happy Union. It is true that, in a form much modified, it has always constituted the basis of the great democratic party. In my own State I know this to be the case: there, it has always been sufficient, in our political canvasses, to overwhelm a candidate by succeeding to attach to him the name even of federalist; but sir, in those cases the people looked not to remote ultimate consequences: satisfied with their success, and temperate in its indulgence, they never dreamed of setting up a power or a principle antagonist to the paramount principle contained in the constitution of the United States, and upon which the soul, the immortal part of that constitution, the Union, depends. No, sir, their affection for this Union is an all-engrossing sentiment of their hearts. They will do nothing to impair it; they will denounce the public servant whose word or deed may tend to weaken its consistency; and when the two great principles of union and liberty, now and forever, one and inseparable, and that of State rights with anarchy and conflicting interests, shall be fairly laid before them, which to choose, they will not for a moment hesitate; they will cling to the Union as to the rock of their political safety, and repudiate at once pretensions fraught with nothing but eventual ruin.

And this, Mr. Chairman, brings me to what I consider the true question now before us. It is not the bill on your table. It is not, in truth, whether the revenue shall be twelve or fifteen millions of dollars. It is rather, and every thing proves it, whether the States or the constitution shall be paramount—whether the just and hitherto acknowledged powers of the one shall be annihilated, that the pretensions of the other may predominate. I beg gentlemen to come out boldly at once, and avow their purpose. I implore them not to heap the odium which in their minds wholly attaches itself to the proclamation, a noble and distinguished State paper, and one that in aftertimes will go far to relieve this administration from many a foul stain—not, I say, heap all the odium of that document upon the tariff and on the protective system. It is not candid, it is not worthy of them. It is a course unbecoming their hitherto high chivalric bearing. In my humble opinion, the bill before us should at once be laid on the table, and the question substituted, shall the constitution live or die? The issue, then, could not be doubtful; and having decided as we should be bound to decide by our oaths, by the solemn obligations we owe our God, and our country, and the sacred duty we feel to the millions who are to come after us, we might then take time to ascertain the unequal bearing of existing laws, and relieve from pressure the parts found to be unjustly affected.

But, sir, no such opportunity is presented to us. We are pushed hard. State right nullification in the South, and practical nullification here, drive steadily onward to their purpose; and between the two, God save the mark! Already, under the influence of the latter, one great principle after another vanishes, and is erased from your statute book. The system of internal improvement is dead; the great system of our public lands threatened with annihilation; a deadly blow aimed at our most important national institution, the Bank; while, by the bill before you, which comes directly from the Executive Departments, as it were, the whole protective system is levelled with the dust. Not even has the judiciary escaped. What, then, is left for us to do? Nothing, Mr. Chairman, but firmly and manfully to adhere to the constitution as we believe in it, and to fearlessly expose the ruin which on all sides threatens. And this, sir, brings me more immediately to the bill now before you. I shall not detain the committee much longer, Mr. Chairman. I am aware of the fatigue which every member must feel after a session so protracted as the one we have had to-day. I feel it myself sufficiently. I shall endeavor to come speedily to a close.

I have not been able to discover one feature of the bill from the Committee of Ways and Means, to which I can give my sanction. Approving of its object, of reducing the revenue to meet the existing state of affairs in the country, I disapprove altogether of the means proposed to effect it; nor do I stand alone in this—not one single voice of approval has reached us from any quarter in reference to it. It is universally considered, as I am sure it will prove, entirely destructive of all the best interests of the country. It does not even possess the recommendation of being satisfactory to the South. It ruins nineteen-twentieths, and is unpalatable to the residue. It appears to have been hurried through the committee with as much haste as it was attempted to be pushed through this House, and with as little consideration too. It strikes a fatal blow at the whole system, and although it faintly acknowledges the principle of protection, it leaves not one particle of protection to any one interest. My honorable friends who have preceded me have sufficiently proved this. I shall endeavor not to repeat their arguments. To commence with the cottons: Sir, how will they stand? It is, indeed, sir, fearful to think, to use the words of my enlightened and honorable friend from Massachusetts, [Mr. Appleton] how great interests are sported with in this enlightened Government! Why, sir, by this bill, which is advocated with a zeal almost amounting to indiscretion, by an honorable member of the Committee of Ways and Means, who, be it remembered, is also, perhaps, the most ardent and zealous supporter of the administration on this floor, this vast interest, which has reached a degree of perfection not surpassed in the oldest manufacturing country, will be entirely prostrated.

It has been too often done to make it necessary for me now to go into all the details on this point. It is sufficiently evident to every one that, without a proper protection against the excessive capital of Great Britain, and the overshipments made under combinations such as are known to exist there, and at a great sacrifice of money, perfect as our establishments have become, they cannot stand. I will instance a case which is known to have occurred in 1826. At that time, sir, the manufacturers of Manchester thought the price of cotton too high. They determined, therefore, to lower it, and for this purpose called a meeting, at which two hundred firms were represented, none of which were worth less than 200,000 pounds sterling each. With the view to force the cotton holders to lower their price, they resolved not to work over half time, and, if necessary, only one-fourth time, and effectually carried their point.

Now, sir, what is to prevent similar combination from being made to effect the ruin of all our spinning establishments instantly? Place them on the footing of this bill, and it will be done. The above named 200 gentry, with their 50,000,000 sterling of capital, need only ship to this country, say 6,000,000 sterling of cotton yarns, at a loss of fifteen per cent., which would not amount to two per cent. on their capital, and their end is instantly effected. Ruin, far and wide, would ensue. And, Mr. Chairman, I will add here, that even our Southern planter might in the end deeply deplore what he now so much seeks. Displace the 78,000,000 pounds of raw cotton, equal to 220,000 bales, of 360 pounds each, now consumed here by our own factories, whatever argument may be brought to the contrary, that would be deeply felt. But, further, this would be followed by the importation of goods made from an equal amount of cotton from Surat, Cutch, and thereabouts, the most inferior of all cottons, inevitably unless, by way of counteraction, the price of cotton is brought down to five or six cents; which I think, sir, can be but illy afforded. I would ask the honorable members from South Carolina to consider this matter maturely, and then say if they are prepared to aid in breaking up all our cotton factories, which now furnish so sure a market for their cottons, in preference to the coarse cottons of India. Besides, sir, was it not clearly proved to us last session by my honorable friend from Louisiana, [Mr. Bullard,] that they could raise there at least two pounds to one raised in Carolina? And does not this bill go to reduce the duty on sugar, another capital interest attacked by it; and does not this of necessity drive the sugar planter to the cultivation of cotton? I ask the Southern gentlemen to look well to this; to reflect calmly on this subject, and pause before it be too late.

An examination into the operation of this bill against the woollen interests, would result, Mr. Chairman, in a much more fearful exposure of its ruinous tendency. This, sir, as is well known, is the interest in which our Eastern brethren are so deeply engaged, and one, the destruction of which involves consequences much more widely to be felt than almost any other. In assailing it, you attack the household goods of the farmer, and wither the grass on many a green hill. You affect seriously a capital of at least one hundred and sixty millions of dollars, and destroy a profitable means of subsistence now afforded to at least one hundred and fifty thousand of your fellow-citizens. But, sir, this is not all. It is not only him who ploughs your soil whose industry is palsied by this your heedless, headlong, if not wicked action. The sailor, the weather-beaten mariner, he who carries your flag bravely over every sea, and displays it with honor in every clime—even he, who has added to your chaplet your brightest wreath of renown, must partake of the general doom. Independent of the intimate connexion between the full development of all your internal resources and your coasting trade, this woollen interest affords a main support to your whale fisheries, and produces to your navigation in freight, on the manufacture of every 100,000 pounds of wool, a sum equal to several hundred dollars.

In addition to the above, I must ask leave to submit a few facts of a highly important nature in reference to an article of the woollen manufacture but lately established, at great cost, on the faith of your own enactments, and which, under an ad valorem duty, unless a very high one, must go down. I allude to the manufacture of carpetings.

It is believed that the amount of capital invested in this manufacture, in the United States, already exceeds one million of dollars, and the value of the goods annually manufactured probably exceeds that amount by four hundred thousand dollars.

The number of carpet looms now in actual operation in the United States is about six hundred and fifty, and the number of operatives employed in the business about thirteen hundred. Their wages amount to from two hundred and fifty thousand to three hundred thousand dollars annually.

It has been further ascertained that the carpet manufacturers in the United States annually worked up upwards of two millions of pounds of wool for woof alone, and about five hundred thousand pounds worsted yarn for warp.

Such already is the effect of competition in this article, that it is a well known fact, the prices in the United States have been uniformly lower since 1828, than at any former period—a result which has, in every case, been produced by high duties, as the prices on both iron, sugar, and salt, fully manifest. I cannot, therefore, consent, Mr. Chairman, that this vast interest should be sported with, even though, by its sacrifice, I am offered protection for another, no doubt, of equal importance. And here I must be allowed to say, that if there be any one part of this bill more offensive to me than another, it is the exemption from ruin made in favor of the interest to which I allude, in which Pennsylvania is supposed to be more particularly interested: I mean iron. I can hardly suppose it could have been imagined that so indigestible a bait as this would have been swallowed by the high-minded freemen of that State. If I know my honorable colleagues, they will reject it with the indignation it merits; for myself, sir, I turn my back upon it; and I am proud to state here, in my place, and to the world, that I have received a letter from one of the most distinguished iron masters of Pennsylvania, a gentleman of the highest standing for integrity and honor, and universally beloved for the manly frankness of his character, interested to a large amount in this business, in which he disclaims, totally, all exceptions in their favor, and asks, with an honorable patriotism, no other fate than such as was to be meted out to the whole body of the manufacturers. I could have wished, sir, that my venerable colleague on the Committee of Ways and Means had acted on the same principle: I could have wished that he had spared his colleagues the pain they must feel from an exemption from the common lot, by an exception in their favor of so questionable a character.

Mr. Chairman: I can assure the committee their patience is not more exhausted than my own strength: the lateness of the hour forbids my going as fully as I could wish into the several more important items of this bill. The people are sufficiently awake to the whole subject. Every mechanic art, the farmer, the merchant, the shipbuilder, ay, sir, the shipbuilder, although under an honest but mistaken view, this highly intelligent and talented class of men, impute to the tariff a decline in their business, which, if it exists, springs from altogether different causes; the whole body of respectable freemen whose labor constitutes their chief capital, and forms so important an item in the general wealth, all, all are equally and deeply interested in the preservation of this system. All, all, sir, are equally interested in the preservation of a sound, just, and established system of legislation. All are or ought to be anxious to be preserved from sudden and violent reactions, produced from no matter what cause. My own district, as well as my State, Mr. Chairman, is essentially tariff. I know not exactly the amount of capital invested in manufacturing establishments in the district I am proud to represent; but, sir, it is vastly beyond what any one would believe, unless, like myself, he had examined and witnessed it. It is particularly incumbent, therefore, upon me to be circumspect in approaching this delicate and intricate question. I cannot allow myself to be driven into a hasty and precipitate conclusion. The friends of the administration who are the zealous advocates of this bill, must excuse me when I refuse to effect political ends by the wanton sacrifice of all I consider dear to my constituents and my country. And yet, Mr. Chairman, wrong as I think it would be to act at all at present, still, sir, if it had been deemed worth the while, I have no doubt that such a bill might have been submitted to this House, as would have met at least my approval, and would not have been injurious to the manufacturer.

I have no doubt, sir, that a reduction down to a uniform rate, with a view to satisfy the South, would have been readily submitted to, if it had been accompanied by certain provisions which would have proved a protection both against foreign capital and overshipments. Such protection would have been found in the establishment of the warehouse system; in limiting the period of deposite in the public stores to six months, at the end of which time the goods should either be re-exported or entered at once for home consumption; in the payment of cash duties, with interest from the arrival of the vessel; in the non-allowance of drawbacks if reshipped after the payment of the duty. Fix the duties at 25 per cent. on cost at the place of exportation, on all articles manufactured, in whole or in part, from any metal or metals, wool, cotton, flax, hemp, furs, leather, glass, earths, salts, or juice of the cane. All other articles free, except spirits, which ought to be specific and high. With these provisions, I am even inclined to think the 20 per cent. now sought to be established would perhaps be preferred to the duties imposed by the act of July, 1832. Such, however, sir, is not the case; nor has any thing like the above been attempted. Widely, therefore, must any bill differ from the present, before it can receive my sanction. Greatly must the present one be amended, before I can be brought to view it even with common complacency.

It may not, Mr. Chairman, be deemed irrelevant for me, before I take my seat, to say something in reference to the amendment now under discussion, proposed by my honorable friend from Connecticut, [Mr. HUNTINGTON.]

I confess, sir, I looked upon it as a strange anomaly, in a bill to reduce the revenue, to notice a clause reinstating the duties which had been so lately taken off from both the articles named, tea and coffee. Singular inconsistency! It strikes me as somewhat remarkable that the "motive" of this "financiere prudence" should have been created. Why, sir, was the committee aware of the amount of probable increase these two clauses would have brought to the treasury? I think not, sir. Indeed, it is certain they were not, as they have now themselves proposed to reduce it one-half. By a reference to the public documents, and to the best sources of information I can attain, it is probable that not less than fourteen millions of pounds of tea will be imported in the course of the present year; this, rated at an average of eight cents duties per pound, will yield to the treasury one million one hundred and twenty thousand dollars. In the year 1830, the imports of coffee were nearly fifty millions of pounds, of which thirteen millions were exported, leaving a balance over of thirty-seven millions of pounds. Assuming this as the probable amount, during the present year, of imports over exports, at a duty of one cent per pound, it will yield to the treasury three hundred and seventy thousand dollars, which, added to the amount of duty likely to accrue on teas, makes on the whole the large amount of one million four hundred and ninety thousand dollars, over and above the revenue likely to arise on the bill of 1832, which this bill *for* reducing the revenue is intended to supplant. A neat little sum, it must be confessed, Mr. Chairman, to extract from the pockets of the people on articles of absolute necessity, by way of precaution to cover any little financial errors on the part of the Committee of Ways and Means.

Sir, I have done. I regret the necessity which has impelled me to detain the committee so long; but, sir, the paramount obligations which my duty to my country imposes on me at this time, have outweighed all other considerations. Whatever may be the fate of the great principles involved in the discussion before us, I shall be consoled with the idea that I have humbly, but I trust firmly, fulfilled my own duty. I shall vote, sir, in favor of the amendment offered by my honorable friend from Connecticut.

When Mr. W. had concluded, Mr. SLADE mov that the committee rise. Negatived: Yeas 63, nay when

Mr. MUHLENBERG, of Pennsylvania, rose. I have not, said he, been in the habit of trespassing upon the patience of the House, or claiming its indulgence often. I hope I shall never do so, unless what is deemed duty to my country, to my constituents, to myself, shall seem imperiously to demand it. I will not say that I despise, but, sir, I dislike, extremely, exhibitions of this kind, when calculated, as they too generally are, more for effect elsewhere—abroad, at home, than here, where they should principally produce it. The assurance is, therefore, cheerfully given that neither you, Mr. Chairman, nor the committee over whose deliberations you have been called to preside, shall be detained for any length of time upon the subject now before it under consideration. The observations I intended to make, and which might have been extended to some length had I been so fortunate as to gain the floor at a seasonable hour of the day, shall, at this late hour of the evening, be condensed into the smallest possible compass—be made so brief that there shall be no complaint of unnecessarily consuming the time.

The constitutionality of the measure under consideration, its expediency, and even the quantum of protection or reduction deemed necessary, have been so amply and ably discussed, but a few months since, by the first men of the nation, that it would be great presumption in me to expect to throw any new light upon the subject, or to give it such an aspect as to change even the vote of one single reflecting individual of this body, and I should wish to change none else. We have, indeed, had so much of this subject at our last session, that a hope was justly cherished that it would not again be intruded upon us at this; yet it has come again. Some of us, it is true, exclaimed, in terror, "Shut, shut the door, good John; tie up the knocker; say I am sick, I am dead;" but it was in vain—to no purpose. The gates have been thrown wide open; here it is, with all its usual accompaniments, and must be met, "*nolens volens*," whatever our feelings upon the occasion may be.

With these feelings and sentiments, Mr. Chairman, it is scarcely necessary to say that I have not risen to discuss the subject before you; its discussion is not necessary; it would be superfluous; no possible good could result from it. I have risen merely to justify the course I have heretofore taken in this respect, and shall hereafter take, and the vote I shall probably be called upon to place on record on the bill now under consideration.

The bill, I believe, is called a bill to reduce the revenue, and to modify the duty on imports: I do not exactly recollect the words used in the title; such, however, is its import. Well, sir, I am in favor of reducing the revenue to the wants of the Government, to give it an income only sufficient to meet its wants, calculated upon a fair and liberal scale. I am in favor of modifying the tariff, believing it not only called for by public opinion, but necessary, just, and expedient. I trust, also, that it can be so modified as to satisfy the reasonable portion of our Southern brethren; I say the reasonable portion, for I find there are unreasonable men there as well as in the eastern and middle sections of the Union. If I had wanted proof, I should find it in the explicit declaration made by the poetic, learned, and eloquent gentleman from Georgia [Mr. WILDE] last evening, that if the provision raising the duty upon tea and coffee, contained in the bill, were stricken out, he should vote against it. The tariff, I repeat it, may, in my humble judgment, be so modified as to satisfy the reasonable portion of the South, without bringing ruin and utter desolation on the eastern and middle sections of the Union; nay, I sincerely believe, without very essentially injuring them.

On these points, Mr. Chairman, I have little difficulty in my own mind, and, if I mistake not greatly, a decided majority of the people of the State I have the honor to represent, in part, upon this floor, will, at a proper period, when they have had time for reflection and examination, when an opportunity shall have been given them to express a deliberate opinion, be found of the same mind, to accord with me in sentiment. I may possibly be in error, I may possibly not know the feelings and sentiments of those among whom I have been born and bred, and with whom I have been all my life in habits of unrestrained intercourse; but if in error, I have as yet neither seen nor heard any thing to convince me of it; but on these points I have little or no difficulty in my own mind. There are, however, Mr. Chairman, other difficulties in the way, which may not so easily be got over. Is this the proper time when the change should be made? Does the bill reported by the Committee of Ways and Means, now on your table, suggest the best mode of effecting this change? Upon these points, sir, I have pondered often and often, in the calm of the morning, and in the silent hour of the night. They have been viewed from every side, in all their different possible bearings, and my mind has never been able to come to any other conclusion than that this is neither the proper time for making the change, nor the mode proposed by the bill before us the best for effecting it.

Permit me, sir, to say a few words upon these points, and I shall have performed my duty, not a very agreeable, but a necessary one. Gentlemen are continually telling us, it is every where sounding in our ears, "Now is the day, and now is the hour;" but, sir, I do not believe it. The aspect of the stars is not favorable; they declare the day as unfortunate, and the hour as an evil one, and I therefore say, Beware! beware! Touch not now: handle not now. And why not? Why, sir, every time I reflect upon the subject, a hundred, nay, a thousand reasons strike me. It is not necessary to detail them here at length; they are so evident that he who runs may and must read them. How many months have elapsed since we passed a bill upon this very subject? It was approved on the 14th of July last, I believe. How long were we engaged in maturing that bill? Some four or five months, if I mistake not. Has it as yet gone into operation? Can we positively say how it will operate; what its effects may be? Have we had any new light upon the subject since? None of any material consequence, I venture to assert; none but what should induce us, at least, to give it a trial. And now, sir, what are we doing? What are we about to do? Shall we act like children who build up card-houses merely that they may have the pleasure of blowing them over with the breath of their nostrils? Sir, I hope not. I trust we shall have more respect for ourselves—more respect for our constituents.

How could we justify such conduct before those constituents? Have they requested us to act upon the subject? Did they expect that we would venture to do so at the present session? Did they imagine, before we left them, that we would venture to undo what we had scarcely completed—what had not yet had a trial, and of the effects of which we could say nothing positive? I think not, sir. I am positive that they did not, as far as regards my own constituents at least. Have they since expressed an opinion upon the subject? Have they given us any instructions as regards this point? I believe not, sir. Here and there only a solitary voice has been heard. A few, a very few memorials only, from my own native State, have been presented, and it strikes me that these came in rather a questionable shape. Notwithstanding the great respectability of the signatures, and the deserved high standing of my friend who presented them, the nullifying source from which they appear to have emanated, and which probably set them in motion, may cause them to be regarded with some suspicion as to the purity of the motives by which they were dictated. Be this as it may, I must strongly question their speaking the sentiment of the State, as the Legislature, convened for a different purpose, it is true, by its resolutions, passed almost unanimously, has spoken in a direct contrary language. Here then, sir, if these things are to have weight with us, here is a voice from Pennsylvania; a voice not entitled to instruct—I admit I am rather jealous upon that point—a voice, however, which should be heard with great deference, because the same number of people that send one member to this House, send five members to the State Legislature.

But gentlemen will tell us the situation of things has changed since members of Congress have left their homes. The Union is in danger; blood will be shed; the Union will be destroyed unless we act, and act promptly. And what is this change that is to produce such direful consequences? I know of none, sir, but the attitude which South Carolina has lately assumed. What effect this may have upon some gentlemen, I cannot tell. Why it is brought into view at all, I know not. Perhaps Southern gentlemen may expect to gain from the fears of some what they could not well hope from their free, unbiassed judgment. Perhaps the same calculation is made upon "Northern dough faces," to be moulded as circumstances may require. I trust such is not the case; I sincerely hope it is not. Should such, however, be the case, let me assure gentlemen that they have mistaken their men--yes, sir, they have mistaken their men. If those days ever did exist, and I do not believe it, it was an unmerited aspersion; but if they did ever exist, they have passed away, never, never more to return. I trust, sir, we shall ever fear to do wrong, always fear to be unjust, always fear to injure and oppress our brethren, even if we had the power; but never, never fear to do what our judgment and conscience tells us is right, and our duty to do, be the consequences what they may.

What, sir! shall a handful of unruly spirits—I say it not in anger but in sorrow; I had almost said, of conspirators against the peace and dignity of the Union; but if I had, I should have been pardoned for using the phrase in the warmth of debate, as those who know me best, know that I have none but the kindest feelings towards the South, and have ever acted in accordance with those feelings, when imperious duty did not demand a different course—but, sir, shall a handful of unruly spirits compel a large majority of the States to give up a system upon which they have heretofore believed the best interests of the country depended? For nothing short of a total abolition of the protective system would seem to satisfy them. Shall a handful of unruly spirits compel a decided majority of the representatives of this great and free people to destroy this system without even taking time to consult their masters, the people, upon the subject? I would advise gentlemen to take counsel of their fears in this respect—to fear doing wrong in acting contrary to the well-known and expressed wishes of their constituents; of those constituents whose known will, I hold, they are bound to obey, or resign their situation as representatives.

Sir, let South Carolina gain her point, and what will be the consequence? Why, sir, those who, if I understand these proceedings correctly, have become nearly traitors to the Union, instead of being punished, not by steel or hemp, I desire no such means, but by the merited contempt of all parties, will be rewarded, and all their ambitious schemes will be in a fair way of being accomplished. Let South Carolina gain her point, and you escape one danger merely to fall into another and a greater. In steering clear of Charybdis, you strike upon Scylla. Resistance to the laws of the Union will become a common thing, an every day occurrence. But a few years will elapse, and, encouraged by the success of South Carolina, we shall find nearly every State in the Union, even Delaware and Rhode Island, nullifying; and, in order to act consistently, at every session of Congress you will be obliged to change or repeal the acts of the preceding one. What would our Union be worth under such circumstances? What would the passage of any law avail? Of what service would meetings of the representatives of the people be to consult upon the public welfare? I say, then, meet the crisis at once; meet it manfully and fearlessly. Put down opposition to the laws of the Union. Show only that you are determined to do so, and you will need neither sword, nor spear, nor buckler, nor musket, nor military array. The good sense of the people, the virtue and patriotism of the great mass of our Southern brethren, will effect all that can be desired. Why should we doubt it? Is not their own welfare and happiness; is not the welfare and happiness of their children and posterity, down to the latest ages; is not the liberty and happiness of the whole human family in the Western and Eastern hemisphere at stake?

But, sir, the time proposed for making an entire change in our impost system, not only appears to be an improper one; the mode suggested by the Committee of Ways and Means, for a reduction of the revenues by the bill now on your table, appears, in my humble judgment, equally so. It is unnecessary to enter into an examination of the details of this bill. It must at least assume a different shape before it can meet the approbation of my constituents. What this particular shape should be, is equally unnecessary to describe at this particular period. To mature it properly would seem to require much more time than can be given to it at the present short session of Congress, which must necessarily terminate on the 3d of March. Or is this law also to be changed or repealed again at the next session? Are we to build up another card castle, merely to blow it over again, when erected, for our own amusement?

While I am up, sir, and on this subject, I will however suggest an idea or two bearing on it. The amount of revenue calculated upon as arising from the public lands, say from two to three millions, evidently cannot be calculated upon as a permanent source of revenue. Why not strike it off then at once, as, if we are to submit to reductions, and very material reductions, we should at least be entitled to ask for and receive something permanent in return. This, sir, permanency in a system, I consider as of more importance than the mere amount of protection granted. Instead of raising the duty, as proposed in the bill, on tea, coffee, wines, silk, and other articles which we neither grow nor manufacture, and many of which have become absolute necessaries of life to all classes of society, to the poor as well as to the rich, let them, if it be found necessary, be made entirely free, or admitted upon paying a mere nominal duty. Then raise such a revenue by imposts as may be necessary to supply the wants of the Government upon such articles as require protection, and the protection of which will encourage our agricultural pursuits and our domestic industry generally. In the agriculture, in the labor, in the industry of any nation, its real wealth must always be sought. Therein it will and must consist. Graduate, if you please, this protection, as the articles may be more or less necessary to our perfect independence in time of war, and I can imagine no real, no reasonable cause of complaint, either from the North or the South, the East or the West.

At a proper time, sir, I shall be in favor of a proper and judicious modification of the tariff; such a modification as shall completely reduce the revenue to the wants of the Government, calculated upon a fair and liberal scale, such a scale as is becoming a great and free people. At a proper time, I shall be found willing, and, I doubt not, a majority of the people I have the honor to represent, in part, upon this floor, to give up something; nay, I will not say something, every thing, save our very existence, to satisfy our Southern brethren, to restore harmony, and preserve the Union. The Union is the first and greatest of all our national blessings, and to preserve it nothing can or ought to be esteemed too precious. I go for the Union, sir, the Union, the whole Union, and nothing but the Union. It must be preserved, peaceably if we can, forcibly if we must. To its preservation, firmness is however necessary in the representatives of the people, as moderation and forbearance. If we permit ourselves to be terrified by any clamor which is raised against its laws, it is gone, the Union is dissolved. Let us be just; never tax the people unnecessarily, equalize burdens and benefits as much as may be possible; let us, in this sense, be just and fear not, and all will be well.

I had intended, Mr. Chairman, to conclude with a Latin quotation. My mind has changed. I will leave that to those who delight in such things more than myself; I had almost said to the schoolmaster and schoolboys. Yet I might be considered as out of order, judging from the practice of a learned and eloquent gentleman, if I did not say something in an unknown tongue. I will therefore give you something of that kind. It shall not be in Latin or French, not in Greek or Hebrew, not in Arabic, Syriac, or Chaldean; it shall not be in the language of the Dane, or the Norman, of the Goth or the Visigoth, of the Hun or the Finn, but in the language of the Allemanni, of the children of Herman. I am, sir, a descendant of Germans, and I pride myself in having descended from that high-minded, generous, open-hearted, honest, intelligent, brave, unwavering, inflexible people, and will conclude with one of their sayings, taught me in early youth, and which has been, heretofore, as I trust it may ever continue, my guide and rule of conduct. The saying is, "Thue recht, fuerchte Gott, und scheu selbst den Teufel nicht." I might, Mr. Chairman, not be perfectly in order, judging from the example set me, if I did not translate what has been said in the unknown tongue. Be it so; I will give you both the letter and the spirit. Literally it is, "do what is right, trust in God, and fear not even the Devil." In spirit, it is the "be just and fear not" of our own people, expressed only in a more powerful and energetic language. I shall no longer trespass upon the indulgence of the committee, and am under many obligations for the marked and distinguished attention with which I have been heard.

Mr. ARNOLD, of Tennessee, followed, and spoke till nine o'clock, when he yielded to a motion that the committee rise. The motion prevailed, and the House adjourned. The following are the remarks of Mr. A. entire:

Mr. ARNOLD said he thought they were not quite ready to take the question yet. He said, if he had no other reason for not wishing the question to be then taken, the temper which the committee had displayed to-night, was, with him, a sufficient one. Sir, said Mr. A., what have we witnessed here? Why, sir, an excitement which has worked us up almost into a riotous mob. Under such feelings, was it proper for them to pass judgment upon any subject, much less upon the all-absorbing one then before the committee; one upon the decision of which he verily believed the fate of this republic depended? He called upon gentlemen to pause before they made this rash and disastrous plunge which they seemed so desirous to make. From the deportment of gentlemen upon this floor to-night, they certainly have forgotten what is due to themselves and to the American people, if not to those who are opposed to the present measure. Sir, I take the liberty to remind gentlemen that they are the representatives of freemen, and that they have been selected for the purpose of discharging many weighty and difficult questions here, that require wisdom, fidelity, and untiring patience. Have they displayed these essential attributes to-night? I regret, sir, that I am constrained to say they have not. On the contrary, I think they have exhibited themselves on the very reverse side of this aspect. They seem disposed to rush upon this question as the tiger springs upon his prey. If gentlemen have no respect for others, they should have some for themselves and for the station which they fill. Whether it be so or not, the presumption is, that this House is composed of men of talents, of integrity, and honor. After the picture, Mr. Chairman, which I have here drawn, and which you and every member upon this floor must know and feel falls short of the reality; after what we have witnessed here to-night, it would seem like a heartless task to set about gravely discussing one of the greatest questions which can here be agitated. Sir, there is no man who feels more forcibly the difficulty which lies in his way than I do; yet I will, even now, at this late hour, and in the midst of this turmoil and confusion, make the attempt to discharge that duty which I feel I owe to my constituents and to my country; in one word, I am determined, let others act as they may, to do my duty, and then trust to my God.

If any gentleman upon this floor can approach this question with clean hands, uncontaminated by unholy ambition, or by the prospect of individual gain or local advantage, I think I may safely say I can. Although my constituents believe that they have a deep stake in the question, yet they feel that its immediate and direct effect upon them is as little as it will be upon any other portion of their brethren in the United States. But, sir, my constituents do not limit their views of political economy to the termination of that horizon which is the extent of natural vision; they have a political eye which surveys this mighty republic from one end to the other; and they have taught me to use this eye when I am called to act in this hall. They have been accustomed to look at things upon a large scale. Sir, the very scenery by which they are every where surrounded, imparts to them expansion of intellect, and an unsubdued feeling of elevated and extended patriotism, which grasps their whole country. They are familiar with the mountain that rises swelling into the clouds; with the majestic river which rolls its ample flood to the ocean; with wide-spreading and luxuriant valleys which teem with rich rewards to him who ploughs them. Thus situated, my constituents are contented, and, I verily believe, as happy as it falls to the lot of mortals to be. They are devoted to their country, and to its constitution and laws. They hold them sacred as they do the apple of their eye. Nothing can arouse them more quickly than to hear of a meditated assault upon the institutions of their country, which were built up by the fathers of the revolution, and under which they have grown and flourished so happily. They bear all the burdens of Government most cheerfully. They pay their taxes; and, when a foreign foe invades their soil, they buckle on the habiliments of war, and fly to the standard of their country, to repel him, or die in the attempt. They hold their lives as dust in the balance, when weighed against their liberty and their country's honor. Representing such constituents, I should feel that I was false to them, and unworthy of them, if I did not make known the sentiments and views which, if they were present, would be proclaimed in a voice of thunder. I shall, therefore, proceed to discuss this question as though it were noon, and as though gentlemen were perfectly patient and desirous to hear me. Their want of patience is one grand reason with me why I choose to tax it on this occasion. I think speeches to-night, however wide of the mark, are preferable to votes.

What then, sir, does the bill now under consideration propose to do? Why, sir, it is a very modest little proposition, which proposes to do nothing more than to subvert and destroy that system of protection to American industry which is coeval with the Government itself—a system for which our fathers expended their treasure and shed their blood; a system without which independence is but a name—full of sound, but meaning nothing.

My first inquiry shall be, was this system established in wisdom at the beginning? Preliminary, however, to answering this question, I will state a fact which is matter of well authenticated history, and will not be disputed by any body. It is this: There is no nation which has reached any degree of eminence, in either agriculture, commerce, or manufactures, but has had the protective system incorporated into their laws. England, as I will show in the sequel, protects her home industry by a duty upon all our principal staples, which excludes them almost entirely from her markets. But more of this after a while. The question now is, was the system of protecting our own farmers and mechanics a wise one at the beginning? I think I need state but a few of the names and opinions of those who founded it, to ensure the ready assent to the affirmative of this proposition by every true American. At the head of my list stands proudly pre-eminent the father of his country.

As early as December, 1796, General Washington used the following short and pithy interrogatory, by way of asserting a proposition:

"Ought our country to remain dependent on foreign supply; precarious, because liable to be interrupted?"

Even at this early period of our history, General Washington saw and felt the importance of being independent of foreign Powers for every thing that was essential to our comfort or prosperity. He saw that, when we pursued nothing but agriculture and commerce, it was liable to be interrupted in a thousand ways; war, for instance, or any other whim of the monarchs with whom we were carrying on commerce, would put an end to it, and we should be thrown back upon our own resources, wholly unprepared for the shock. He saw, under this system of free trade, as it is now called, that, for months, and for years at a time, our vessels would be compelled to lay at anchor, and our agricultural products to rot in our barns. How was this distressing state of things to be avoided? Why, by establishing the "American system," of making every thing within ourselves, and always taking care to sell more than we bought; by diversifying employment; by withdrawing a part of our capital and labor from commerce and agriculture, and devoting it to home manufactures; thereby furnishing ourselves with the necessaries of life, and at the same time creating a steady home market for a vast amount of agricultural products. Thus we should be wholly independent of all foreign Powers; and unless we could carry on commerce with them upon principles of equality, we would not carry it on at all. Their wars and revolutions might rage with the utmost fury, we could still carry on our system; but, upon the other principle, every little disturbance in Europe produced distress and ruin here. Mr. Jefferson said, in 1808:

"The suspension of our commerce, [just as General Washington had said it would be,] produced by the injustice of the belligerent Powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have been forced, has compelled us to employ a portion of our industry and capital to internal manufacturing improvements; and little doubt remains, that the establishments formed, and forming, will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent."

In 1816, he wrote to a friend thus:

"That, to be independent for the comforts of life, we must fabricate them ourselves. We must now place the manufacturer by the side of the agriculturist. The grand inquiry now is, shall we make our own comforts, or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufactures, must be for reducing us either to a dependence on that nation, or be clothed in skins, and live like wild beasts in dens and caverns. I am proud to say I am not one of them."

Thus, Mr. Chairman, you see Mr. Jefferson, the great founder of republicanism, was decidedly in favor, not only of protecting duties, but even of prohibition. I hope his professed followers here, (and gentlemen must excuse me for qualifying the term, for I do not believe any gentleman, who is opposed to protecting American industry, is a true disciple of Thomas Jefferson,) I say, I hope his professed followers here will note this fact, that Thomas Jefferson, from whom they all pretend to have imbibed their political creed, was himself a high, yea, an ultra protectionist. He felt and expressed himself as every American should.

Mr. Madison, in 1809, held this language:

"That it is not unworthy of reflection, that the arbitrary edicts of contending nations to obstruct our trade with them, have, so far, abridged our means of procuring the productions and manufactures of which our own is now taking their place."

In his message of 1815 he said:

"There is no subject which can enter with greater force into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence in the United States during the European wars."

So you see, sir, Mr. Madison thought that no subject could enter with greater force into the deliberations of Congress. What higher commendation could he bestow upon the "American system," than this? None. He had seen our commerce driven from the ocean. He had seen our ships rotting in our docks, and our corn and wheat rotting in our granaries. He saw us destitute of many of the necessaries of life. He had seen our soldiers in the late war freezing for the want of blankets and other necessary clothing. These were lessons of experience which he has never forgot.

In 1821 Mr. Monroe recommended the subject to Congress; and in his message to this body, in 1823, he said:

"I recommend a review of the tariff, for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are more immediately connected with the defence and independence of our country."

Now, sir, I have given you the opinions of four of the most illustrious citizens that this or any other country has ever produced. And what is remarkable, they were all born south of the Potomac; were all raised, and lived, and died, south of the Potomac. After this, sir, that the "American system" should meet with opposition south of the Potomac, and, especially, that it should meet with opposition in old Virginia, to me is matter of profound astonishment, and, unaffectedly, I say, of deep regret.

I have shown the committee now what the opinions of these distinguished citizens were from time to time. I will now show you what was Virginia sentiment among the bulk of the people at home.

[*From the Virginia Argus.*]

"Henrico, *June* 25, 1808.

"I shall be troublesome to you, I fear, if I were to write half what I think ought to be said on the subject of 'American manufactures.'

"At present I will only say, that if the President of the United States, the heads of the departments, the Governor, councillors of the State, judges and lawyers, the members of both Houses of Congress, and of the State Legislature, would publicly wear clothes of 'American manufacture,' their example would be followed by every citizen who is not a hardened tory, and who would well deserve a full suit of British broadcloth, well 'tarred and feathered.'

"AN ASSOCIATOR OF '74."

I will read you now, sir, an extract of an address of Charles Magill, L. A. Washington, and others, to the farmers of Frederick county:

"Farmers: We propose to have a meeting on the 4th of July, at ten o'clock, at Mr. Baldwin's wool factory, near Perkins's mills, in this county, for the purpose of forming some plan for improving the breed of sheep. The golden opportunity of taking this first step towards the encouragement of domestic manufactures, ought certainly to be embraced by all those Americans who value the independence of their country."

I will now read an extract or two from a fourth of July celebration in Goochland county.

The company were generally dressed in Virginia cloth. Among the regular toasts was the following:

"Domestic Manufactures.--They well co-operate with our republican system to perpetuate the blessings of independence."

This, sir, was a regular toast; and the understanding is, on such occasions, that a regular toast expresses the sentiment of the whole company.

The next extract which I shall read, is a very high and very just compliment paid to my distinguished friend from Massachusetts, who sits before me. I make this extract not in the spirit of a parasite to flatter my friend, but I do it to show that, in those days of true American feeling in Virginia, she could admire and bear witness to talent and virtue wherever found, even on the north of the Potomac. They, on the occasion referred to, usher in the name of my honorable friend with this sentiment:

"John Quincy Adams.—So long as the Temple of Liberty is worshipped in America, may the part he acted while in the Senate of the United States be hailed with rapture and delight."

The following toast is taken from the fourth of July celebration in Mecklenburg:

"The manufacturing genius of our countrymen. The wrongs of Britain first roused it; the aggressions of France will continue it; and the patriotism of our citizens will reward it."

We are now about to "reward it," by prostrating it and them at the feet of British power, and by sending their wives and children beggars upon a cold and uncharitable world. Yes, sir, I feel authorized to say, that, if this bill pass, it will work the complete overthrow and ruin of the whole system, which has been gradually building up ever since the foundation of the republic.

At the celebration in Amelia, I find the following most excellent sentiment among the general toasts:

"Domestic Manufactures.—Without them no nation can be truly independent."

The next toast which I will read pays to my friend another, and, if any thing, a higher compliment than that which I have previously read. It ascribes to him (and I verily believe most justly) a cardinal virtue in a politician, and which I regret much to say, sir, so few possess in these times:

"John Quincy Adams.—The patriot who preferred his country to his party: the passing cloud will make his brightness more conspicuous and valued."

I have no doubt but this will be the judgment of posterity—the high eulogium which they will pass upon his whole political life—"He preferred his country to his party."

The next and only extract which I will read is from the Richmond Enquirer of July 5, 1808:

"Yesterday was celebrated in this city with its customary honors. One of the most striking parts of the spectacle of this day was the large number of Virginia cloth suits which adorned [mark, sir, they adorned] the persons of our citizens. It was a badge for the consolation and encouragement of the belligerent Powers of Europe. Upon this homespun, enthusiasm and the spirit of independence have stamped all the value, all the pride of ornament. Many of their manufactures, although obtained at a very short notice, were handsome specimens of what our skill is competent to accomplish. When the use of our own cloth shall become the fashion of the State, as it is rapidly becoming, the wheels and looms of Virginia will not be deficient in the fineness and elegance of European fabrics."

Now, sir, after all this, who can doubt the paternity of the "American system?" Is it not old Virginia's legitimate offspring! If she has a descendant upon the face of the earth, this is one. She conceived it--she brought it forth.

Now, if Washington had wisdom and love of country, then this system was founded in wisdom and love of country. If Jefferson had wisdom and love of country, then this system was built up, and carried to its present height, by wisdom and love of country. In short, if Madison, if Monroe, if the whole shining constellation of Virginia statesmen, who gave her the elevated standing which she once had, were endowed with wisdom and virtue, then this system was founded in wisdom and virtue.

But, sir, fpr the sake of argument, I will suppose that it was originally founded in error, and that it has been left to us, in 1833, to find it out. What shall now be done? Will it be either wise or honest in us to abolish it, and to abolish it without premeditation or consultation with our constituents? For, sir, I have met with no man who has had the hardihood to say that, when he left home, his constituents expected that this question would be agitated at this session. Even supposing, for argument's sake, that the system had been conceived in error, I say it would be unwise and dishonest in us now to abolish it. In order to ensure a universal concurrence in this position, I think I need but state a few leading facts.

The laws which have been passed by Congress were intended to invite men of capital and of skill to embark in this business. I say the laws were intended to invite them; and at every consecutive step which we have made, the faith of the nation was most solemnly pledged that they should be protected against foreign competition.

Under these oft repeated pledges, the capital, the skill, and labor of our most patriotic and worthy citizens have been embarked to a very large amount.

The aggregate capital which is now vested in domestic manufactures is, at least, two hundred and fifty millions. To destroy this capital alone, without considering any of its attendant evils, would produce a shock upon society that would be felt—convulsively felt--from one extremity of this Union to the other. But I will proceed with some additional facts. And I will take this occasion to say, that my most material facts are derived from the reports of the New York convention. These facts have, for some time, been before the public. They are the result of patient examination made by our own citizens, not foreigners, whose opinions I have heard read upon this floor to teach us political economy. No, sir! I will not get our rivals in England to give me advice. I choose to take it from our own citizens, who are perfectly familiar with the whole business. The facts which these intelligent and responsible American citizens have put forth, and signed with their own names, have never, that I have seen or heard, been controverted in one jot or tittle. If they are not true, and can be controverted, I should be much pleased to hear some gentleman do so upon this floor.

The first branch of American industry to which I will call the attention of the committee, is that of iron. My first business under this head will be to show that the duty on foreign iron has not raised the price to the consumer, but that it has caused a very considerable reduction.

STATEMENT C,

Showing the effects of a tariff of protection on the article of iron at Pittsburg and Cincinnati.

In the years 1818, '19 and '20, bar iron in Pittsburg sold at from 190 to 200 dollars per ton. Now the price is 100 dollars per ton.

In the same years, boiler iron was 350 dollars per ton. Now at 140 dollars per ton.

Sheet iron was but little made in those years, and sold for 18 dollars per cwt. Now made in abundance, and sold at 8½ dollars per cwt.

Hoop iron, under same circumstances, was then 250 dollars, and is now 120 dollars.

Axes were then 24 dollars per dozen, and are now 12 dollars.

Scythes are now 50 per cent. lower than they were then—as are spades and shovels.

Iron hoes were in those years 9 dollars per dozen. Now a very superior article of steel hoes at 4 to 4½ dollars.

Socket shovels are made at 4½ dollars by the same individual who, a few years ago, sold them at 12 dollars per dozen.

Slater's patent stoves, imported from England, sold in Pittsburg at 350 to 400 dollars. A much superior article is now made there, and sold for 125 to 150 dollars.

English vices then sold for 20 to 22½ cents per lb. Now a superior article is sold at 10 to 10½.

Braziers' rods in 1824 were imported, and cost 14 cents per lb. or $313 60 per ton. Now supplied to any amount of ¼ to ⅜ diameter, at 130 dollars per ton.

Steam engines have fallen in price since 1823 one-half, and they have one-half more work on them.

The engine at the Union rolling mill, (Pittsburg,) in 1819, cost 11,000 dollars. A much superior one, of 130 horse power, for Sligo mill, cost, in 1826, 3,000.

In 1830, there were made in Pittsburg one hundred steam engines.

In 1831, one hundred and fifty will be made, averaging 2,000 dollars; or 300,000 in that article alone.

A two horse power engine costs 250 dollars; six horse, 500 dollars; eight to nine horse, 700 dollars. These last are the prices, delivered and put up.

At least 600 tons of iron made in Pittsburg are manufactured into other articles before it leaves the city, from steam engines of the largest size, down to a threepenny nail.

Eight rolling and slitting mills, of the largest power, are in the city of Pittsburg, five of which have been erected since 1828.

Thirty-eight new furnaces have been erected since 1824 in the western parts of Pennsylvania, and that part of Kentucky bordering on the Ohio river; most of them since 1828.

The quantity of iron rolled at Pittsburg was—

In 1828,	tons,	3,291	19	0	0
1829,	"	6,217	17	0	0
1830,	"	9,282	2	0	0

Being an increase of nearly 200 per cent. in two years.

The above facts were furnished by members of the committee residing at Pittsburg, who vouch for their accuracy.

One fact there stated suggests the following remarks to the committee:

To the report of the select committee of the Senate of the United States, on the subject of iron, is appended, among other papers, one in which it is stated that "it is now ascertained that the superiority of England over France is entirely due to the cheapness of iron: a six horse steam engine, for instance, in France, costs, on the average, at least 500 dollars more than in England, owing to the cheapness of iron in Great Britain. It is still dearer in the United States than in France.

Here it is asserted that a six horse power steam engine costs 500 dollars more in France than it does in England, and that it is still dearer in the United States than in France. Now it so happens, that in the United States, at Pittsburg, a steam engine, of that power, can be put up, ready for action, for the identical sum of 500 dollars.

Prices of Iron at Cincinnati.

1814 to 1818, bar iron 200 to 220 dollars per ton—now 100, 105, 110. The fall in prices has been nearly as follows:

1826,	bar iron assorted,	125	to	135	dollars
1827,	do	120	to	130	do.
1827,	do	115	to	125	do.
1829,	do	112½	to	122½	do.
1830,	do	100	to	110	do.
1831,	do	100	to	110	do.

Castings, including hollow ware, 1814 to 1818, 120 to 130 dollars per ton: present price, 60 to 65, and the quality much improved.

STATEMENT D.

The duties on iron imported into the United States were, in 1804 to 1812, 15 per cent.; double war duties from 1812 to 1816. In 1816, duties, rolled iron, 30 dollars per ton: hammered, nine dollars. The law of 1816, fixing the duties at these rates, ruined many of the manufacturers, and compelled them to abandon their works. By the act of April 20, 1818, the duty on hammered iron was raised to 15 dollars. This, in some measure, revived the manufacture, and many who had abandoned, resumed their operations. The foreign manufacturer, to keep possession of the market, offered his iron at a less price; so that there was an actual decline here. In 1824, the duty on hammered iron was raised to 18 dollars, and in 1828 to $22 40. These additions to the duty had no permanent effect in raising the price. The foreign manufacturer could not advance his prices beyond those of 1824, because the American iron maker supplied the market at those rates; and iron at a duty of $22 40, sells at less than it did at one of nine dollars. The foreign manufacturer has been compelled to take the additional duties from his profits, and these deductions from his profits have been paid into the treasury of the United States, without adding to the price paid by the American consumer.

The following table shows the operation of the additional duty levied since 1818 on hammered iron alone.

			Tons.	*Duties.*
1818,	imported of hammered iron		13,931	$208,950
1819,	"	"	16,160	242,394
1820,	"	"	19,531	272,877
1821,	"	"	15,374	230,413
1822,	"	"	26,373	378,641
1823,	"	"	29,014	435,210
1824,	"	"	21,298	383,364
1825,	"	"	23,035	428,490
1826,	"	"	23,837	427,066
1827,	"	"	21,718	390,924
1828,	"	"	33,155	663,100
1829,	"	"	29,202	654,141
1830,	"	estimated*	29,202	654,141
			301,880	=5,369,711
Duties at $9, the rate per law of 1816,				2,716,920
Gain in the Treasury, at the expense of the foreign manufacturer,				$2,652,791

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*Since ascertained 30,073 tons, of which only 439 tons were British. The small amount of the latter importation is the best possible evidence of the bad quality of English iron, as stated in the subsequent pages, and of its unfitness for the usual purposes to which hammered iron is applied. All such iron pays the same duty.—Permanent Committee.

Statement E.

The following calculations were made by Hardman Phillips and George Valentine, and are derived from the average returns submitted to the committee from two counties, those most extensively engaged in the manufacture of iron in Pennsylvania, namely Centre and Huntingdon, and have been carefully verified by a comparison with returns from 73 furnaces and 132 forges.

For each ton of bar iron and castings made, the following agricultural produce is found to be consumed:

20 bushels wheat and rye, average, at	75	cents	$15	00
57 lbs. pork	5	"	2	85
43 lbs. beef	4	"	1	72
10 lbs. butter	12½	"	1	25
2 bushels potatoes	30	"		60
½ ton hay	$7		3	50
For every ten tons of bar iron, one horse is employed one whole year, worth 100 dollars, and experience shows that the mortality among horses so employed is, per annum, one in seven, and constitutes a charge per ton of			1	43
For fruit and vegetables, of which no return has been made, we feel justified in putting down			1	00
			27	35

Which, multiplied by the quantity of bar iron and castings, will give the sum of 3,415,850 dollars, paid by the iron manufacturers, and those employed by them, to the farmers.

The same returns enable them to state that every five tons of iron, as above made, requires one able-bodied man throughout the year, or, in the whole, 24,979; and, as it appears that, upon an average, each one of these has four dependent upon him, it follows that 124,895 persons are supported by this branch of industry, in its first stages; and the average of the wages of the workmen being fully one dollar per day, or say 300 per annum, they receive for wages, in the whole, the large sum of 7,493,700 dollars for the labor of one year.

The expense of transporting this iron to the different markets, by land and water, may be estimated at an average of ten dollars per ton, amounting to 1,248,940 dollars; the whole of which is distributed among those engaged in the transportation and coasting trade of the country, and subdivided among those who furnish subsistence to the many persons employed, and in furnishing means for this branch of the business.

These facts show conclusively that the consumer gets a better article, and at a lower price, than he did before protection was extended to this branch of industry.

Aggregate of iron made in the United States.

Bar iron, tons	112,866
Pig iron	191,536
Value in dollars	13,329,760
Number of men employed	29,254
Persons subsisted	146,273
Annual wages	8,776,420
Paid for food furnished by farmers	4,000,490

This, sir, I feel warranted in saying, falls very far short of the full amount of this business. There are several furnaces and forges, within my knowledge, which do a very considerable business, and which are not here enumerated.

But, sir, take the iron business as here stated, and abolish it, and what will be the effect upon society? You destroy one hundred and twelve thousand eight hundred and sixty-six tons of bar iron, and one hundred and ninety-one thousand and thrty-six tons of pig iron. Do you think this would not be likely to raise the price of iron to the consumer? I will not answer this question, but will leave it with the American farmers and mechanics to judge. But this aspect of the case is not the beginning of the evil which the community are doomed to suffer from this rash, precipitous, and blind legislation. The annual product of iron in the United States is estimated to be worth thirteen million three hundred and twenty-nine thousand seven hundred and sixty dollars, which, if the business fails, is stricken out of existence, and is so much clear loss every year to the wealth of the nation. You deprive, moreover, twenty-nine thousand two hundred and fifty-four laborers and mechanics of the employment by which they earn their daily bread for themselves and families! You deprive one hundred and forty-six thousand two hundred and seventy-three souls of subsistence, until those on whom they depend can seek a new channel for their labor. In the mean time there must be great and universal suffering. You throw out of circulation eight million seven hundred and seventy-six thousand four hundred and twenty dollars in wages paid to the laborers. Is this all? No, sir. You take from the farmers four million four hundred and ninety dollars, which they receive annually from the iron manufacturers for agricultural products!!

Now, how will these arrangements work? What is to become of the twenty thousand laborers who are to be thrown out of the iron employment? At least nineteen-twentieths of them will be driven into agriculture, which is already able to overstock the market. The farmers will be deprived of a market where they have been able to send upwards of four millions worth of produce. Thus will this ruinous policy cut upon the farmer like a two-edged sword. The supply of agricultural products will be greatly increased, and the demand for them diminished to an amount of at least four millions. Sir, if a more ruinous state of things could be devised for the farmer, Pandora, the goddess of evil, must do it. And why are our establishments to be broken down? Why are our citizens to be thrown out of employment? Why are we to be laid low at the feet of British power? Is it that we are to get iron cheaper? No! For we get it cheaper now than we ever have before. Are we to get better iron? No, We get better iron now than we ever did before. Why, then, sir, in the name of Heaven, is this sweeping desolation to be brought upon the country?

The same remarks will apply to all our manufacturing establishments. Iron is left in a better condition than any of them, and those who are best acquainted with that subject say it cannot stand if the present bill pass. If iron cannot stand, then, what is to become of woollens and other interests, which have a protection so far below that of iron? Why, as a matter of course, they must be prostrated immediately, and at once. I will, therefore, attempt to show the committee the amount of capital in a few other branches of American industry, and which, if this bill pass, might as well be thrown into the ocean. I will also show the number of persons employed, and the number dependent upon these institutions for the bread they eat. As it will not be in my power to review every branch, I will take a few which will bring the question home directly to every man's bosom and fireside.

But before I leave this subject, as the manufacturers are charged with making most enormous profits, let us look a little into the accusation.

The aggregate value of all the iron manufactured in one year in the United States is	$13,329,760
Deduct from this the pay to the workmen and laborers	8,776,420
	4,553,340
Deduct amount paid to farmers, for agricultural products	4,000,490
Leaves this balance	552,850

subject to the wear and tear of machinery, and all con-

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